

SHANNON COUNTY COMMISSION

PO BOX 187
EMINENCE, MO 65466
office (573) 226-3414
fax (573) 226-5321

RECEIVED

JAN 6 2004

MISSOURI LAND
RECLAMATION COMMISSION

Northern Commissioner
Dean Cox

Presiding Commissioner
Tony Orchard

Southern Commissioner
Herman Kelly

County Clerk
Shelly McAfee

Deputy Clerk
Sarah Crowell

December 16, 2003

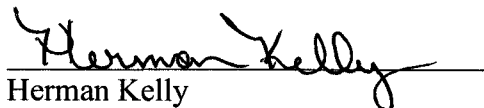
DNR Conference Center
1738 East Elm
Jefferson City, MO 65101

Land Reclamation Commission,

We are writing in concern of the rules you want to impose on private landowners. We see some serious problems with the DNR rules for the gravel industry. Our economy is at stake. Gravel companies contribute much to local economies through business purchases and jobs. Without them the businessmen and local schools in our county will suffer. Having to haul sand and gravel longer distances because we are not able to utilize our own resources will result in higher costs to build houses and roads. Every stream and stretch of streams is different. Consideration must be given for those differences. The "one size fits all" rule should not be applied here. A lack of thought whether intentional or unintentional causes streams to become so clogged with gravel that float trips become canoe drags. The deep holes where lunker fish used to hide are now filled in. We need people on this commission who represent farmers and small businesses. It has been said that property owners are exempt from those laws as long as the gravel is not sold. There is no property owner who would want to pile gravel on his property and then not be allowed to sell that resource which is from off the land that he owns. We do not believe that the best interests of everyone have been properly addressed. The land is the property of the owners and they should have the right to make the choices they feel are best for their property. After all, they pay the taxes and maintain the land. We believe SB 360 presented by Sen. Steelman will help in this matter. We have 800 miles of roads to maintain, if we have to purchase the gravel it will be a huge burden on the county.

Sincerely,


Tony Orchard
Presiding Commissioner


Herman Kelly
Southern Commissioner


Dean Cox
Northern Commissioner

Mike L.

TEXAS COUNTY PLANNING COMMISSION

210 North Grand Avenue
Houston, Missouri 65483-1226

February 12, 2004

Land Reclamation Commission
Dept of Natural Resources
P. O. Box 176
Jefferson City, Missouri 65102

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FEB 18 2004

MISSOURI LAND
RECLAMATION COMMISSION

Dear Members,

We, the Texas County Planning Commission members, wish to make known our great concern about the proposed In-stream sand and gravel rules that are in the process of becoming regulations. While at the present time these are for Commercial mining, it is a concern that the next step will be to go after private landowners as well.

At the present time, under the proposed guidelines, Commercial Mining Company's are required to have a reclamation plan ready when they apply for a permit from DNR. This procedure is in place and working well.

Concerning the private land owners, as has been stated, they can remove the gravel that is choking their stream using their own equipment. If someone is hired to do the work a permit will be required, thereby adding undo hardship on the landowner. The landowner owns the land, pays the taxes, is the steward and guardian of his property. They should not have the burden of a Governmental agency infringing or placing restrictions. We all want to keep our property, land and streams in the very best possible condition, to pass on to our children, grandchildren, and many generations to come. To say a private landowner can stock pile the gravel away somewhere and only use it for his own use, but not sell it, seems to be infringing on his private rights. It is his renewable resource, just as timber, cattle, hay, etc. That should be the landowners decision, not mandated by Government Employees.

We would recommend that the guidelines remain guidelines and not mandatory regulations. Regulations will place additional economic costs on all the people of Missouri. We also feel DNR needs to be responsible and held accountable to make economic impact studies for each area of Missouri. Missouri streams, waterways, accumulation of gravel, formation of stream bottoms are not all the same. If the agency wants to mandate to the people of Missouri, they must show proof of the economic cost to that particular area.

On behalf of the Texas County Planning Commission, private landowners, private citizens of Texas County, we appreciate your reading and taking our concerns into consideration on this very important matter.

Respectfully,

Wilma Jeanne Urban

Wilma Jeanne Urban, President



MISSOURI CONCRETE ASSOCIATION, INC.

101 E. High Street, P.O. Box 392, Jefferson City, Missouri 65102
(573) 635-6271 • FAX: (573) 636-9749 • www.moconcrete.com

RANDY J. SCHERR, Executive Director

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Joplin, Missouri

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President of Division

JAY TAFF

The Monarch Cement Company
Humboldt, Kansas

Vice-President of Division

BUCKY SCRIBNER

Holliday Sand & Gravel Company
Overland Park, Kansas

Secretary/Treasurer of Division

RICHARD DANSDILL

W.R. Grace & Company
St. Louis, Missouri

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FEB 27 2004

MISSOURI LAND
RECLAMATION COMMISSION

February 26, 2004

Larry Coen, Director
Missouri Department of Natural Resources
Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Larry:

Pursuant to the public notice on the proposed rules and regulations relating to sand and gravel we would respectfully request the opportunity to address the commission on March 25th at 1:00 p.m.

Sincerely,

Randy Scherr
MCA Executive Director

RECEIVED

MAR 2 2004

MISSOURI LAND
RECLAMATION COMMISSION

Joe & Dawn Huckins
901 West Davis
Fayette, Missouri
heavener@socket.net

March 1, 2004

Director, Missouri Department of Natural Resources
Land Reclamation Program
P. O. Box 176
Jefferson City, Missouri

Dear Sirs:

Although we will be unable to attend the hearings we would like to thank the commission for its efforts to achieve the best workable set of rules for our state and its citizens. We believe that the proposed rules have the best chance of attaining this goal and should be adopted as presented.

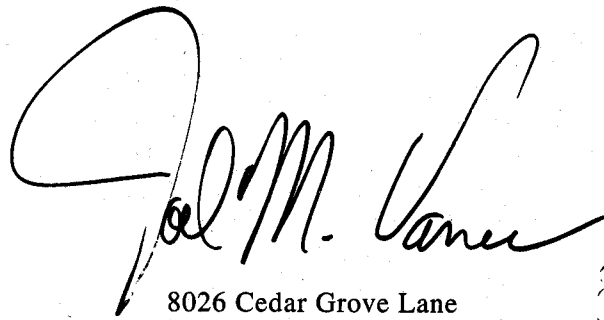
Sincerely,


Joe & Dawn Huckins

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MAR 3 2004

MISSOURI LAND
RECLAMATION COMMISSION



8026 Cedar Grove Lane
Russellville, MO 65074
(573) 782-4490
e-mail: jvance@sockets.net

March 2, 2004

Director
Land Reclamation Program
Box 176
Jefferson City MO 65102-0176

Dear Sir:

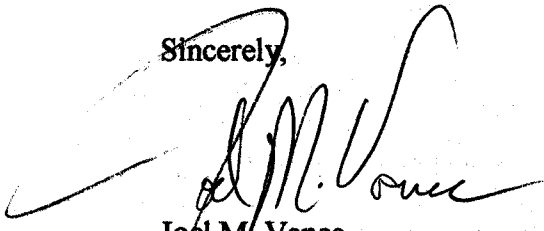
This is in support of the recommended rules for gravel mining in Missouri streams. While they aren't perfect from an environmental standpoint, they are a good compromise and should be instituted.

Unregulated gravel mining is an insult to Missouri's priceless Ozark stream resource and, from the standpoint of a Missourian proud of our state's outdoor beauty, as well as from the standpoint of an outdoor writer who communicates that beauty, I heartily endorse regulation of graveling.

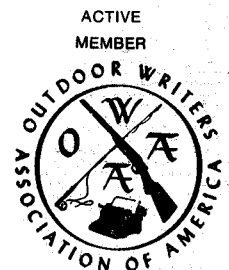
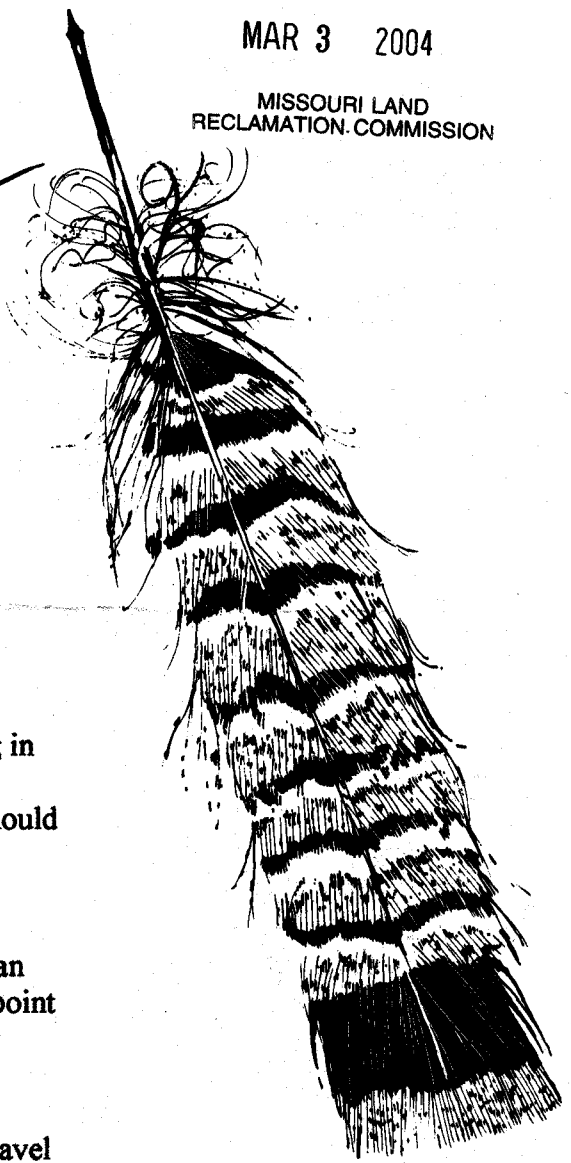
The forces that would embrace unregulated and destructive gravel mining have been assiduous in the last couple of years and it's about time they gave it up and recognized that the greater good is more important than their greedy savaging of a natural resource.

~~Please enter this letter in the official record of your hearings.~~

Sincerely,



Joel M. Vance
Past President Outdoor Writers Assn. of America
Columnist Outdoor Guide, North American Fisherman,
Conservation Columnist Gun Dog Magazine



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MAR 5 2004

MISSOURI LAND
RECLAMATION COMMISSION

207 Lodgepole Drive
Ozark, MO 65721
March 2, 2004

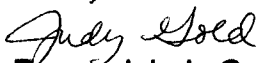
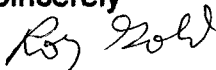
Director
Missouri Department of Natural Resources
Land Reclamation Program
P. O. Box 176
Jefferson City, MO 65102-0176

Dear Director

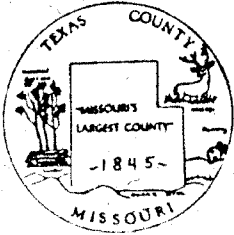
We would like to thank the Land Reclamation Commission for proposing a balanced protective set of rules for commercial gravel mining. We support these rules as written and hope they will be implemented for the protection of our Ozark streams.

Our streams are too important to not have rules regulating activities that will negatively impact our streams.

Sincerely



Roy and Judy Gold



Texas County Commission

210 North Grand
Houston, Missouri 65483
417-967-3222

Joe B. Whetstine
Associate Commissioner
District One

Donald E. Shelhammer
Presiding Commissioner

Linda L. Garrett
Associate Commissioner
District Two

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MAR 11 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 09, 2004

Larry Coen, Staff Director
Land Reclamation Commission
1738 E. Elm Street
P.O. Box 176
Jefferson City, MO 65102

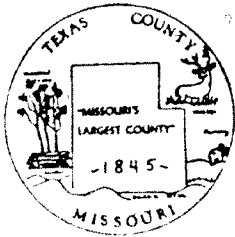
Re: March 25, 2004 Land Reclamation Commission Hearing

Dear Mr. Coen

Please be advised that at least one commissioner and the prosecutor of Texas County would like to speak at the March 25th. Land Reclamation Commission hearing.

Thank you,


Donald E. Shelhammer,
Presiding Commissioner



Texas County Commission

210 North Grand
Houston, Missouri 65483
417-967-3222

Joe B. Whetstine
Associate Commissioner
District One

Donald E. Shelhammer
Presiding Commissioner

Linda L. Garrett
Associate Commissioner
District Two

March 9, 2004

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MAR 15 2004

Larry Coen, Staff Director
Land Reclamation Commission
1738 E. Elm Street
P.O. Box 176
Jefferson City, MO 65102

MISSOURI LAND
RECLAMATION COMMISSION

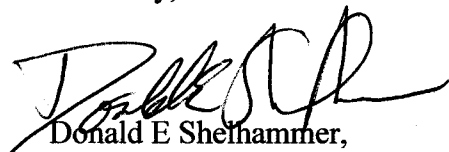
Re: Rule # 10 CSR 040-10.020


Dear Mr. Coen,

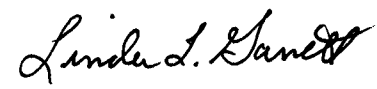
The Missouri State Register posting on Sand and Gravel Mining states that there is not more than a \$500 economic impact by public and private entities when the rules and regulations are enforced. Could you please share with us what information this is based upon? Is it on each site or calculated as to each operator? If there is not going to be a major impact on the way they operate then why do we need additional rules and regulations?

Thank you in advance for your information and counsel.

Sincerely,


Donald E. Shelhammer,
Presiding Commissioner


Joe B. Whetstine
Associate Commissioner


Linda L. Garrett
Associate Commissioner

March 15, 2004

Staff Director
Land Reclamation Commission (LRC)
Missouri Department of Natural Resources (DNR)
P.O. Box 176
Jefferson City, MO 65102

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MAR 16 2004

MISSOURI LAND
RECLAMATION COMMISSION

To Members of the LRC,

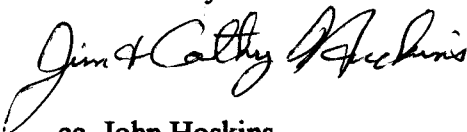
As a research scientist who has studied aquatic systems for about 30 years and as an avid stream fisherman, I really appreciate the efforts of the LRC members to reach a reasonable balance between the protection of the quality of Ozark streams and the commercial use of gravel in Missouri streams. This was a difficult task but I believe the proposed rules meet that goal. However, all of the 16 proposed rules are critical to maintaining this sustainable balance of multiple uses of the resource. Any weakening of these rules will likely result in adverse effects on Ozark streams.

We are still concerned about the LRC program having adequate personnel to ensure enforcement of the rules, and any legislation that bypasses the ability to enforce these rules. My family will work to see that these separate issues do not make the efforts of the LRC for naught.

In closing, we want the DNR and MDC Directorate to know that we are particularly appreciative the exceptional efforts of their staff on the LRC to achieve this delicate and reasonable balance. Also, we commend staff members of the LR program not on the commission as well, who worked hard to facilitate the development of the proposed rules.

Sincerely Yours

Jim & Cathy Huckins



cc. John Hoskins
Steven Mahfood

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MAR 22 2004

MISSOURI LAND
RECLAMATION COMMISSION

Dennis A. Schuetz
1315 Sandy Drive
Florissant, MO 63031-2519
19 March 2004

Larry Coen, Director,
Missouri Department of Natural Resources' Land Reclamation Program
P.O. Box 176
Jefferson City, Missouri
65102-0176

Mr. Coen,

As a registered voter and taxpayer in the state of Missouri, I would hereby request your support of recently developed rules pertaining to in-stream gravel removal (mining), which were developed under the guidance of the Missouri Department of Natural Resources. I thereby am encouraging your support of 10 CSR 40-10.050 Proposed Amendment).

Gravel and sand taken from Missouri streams does have economic value, HOWEVER, fishing and other stream based recreation activities have tremendous economic value to Missourians. In addition the negative effects of in-stream gravel mining are very well documented in the scientific research literature. Among the effects are erosion of streamside private property and its real estate value, erosion of public property, damaged to private and public infrastructure such as bridges, roads, pipelines, and utility lines. It must be noted, that proponents of in-stream gravel mining never discuss these facts when they are discussing the economic value of gravel mining. I wonder WHY???

Excavation rules must not be limited to commercial gravel operations. County and township highway departments are major sources of in-stream gravel excavation and must be subject to the same rules as commercial operators.

Claims that gravel must be cleaned out of our streams or moved against eroded stream banks for the good of the stream are not scientifically valid when the facts and long time stream histories are examined.

I insist your agency support enforceable excavation rules that create a balance between stream resource protection and the economics of the in-stream gravel mining industry.

Sincerely,


Dennis A. Schuetz

RECEIVED

MAR 22 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 19, 2004

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Re: Stream Protections

Dear Mr. Coen:

I am writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri.

Regulations can be instituted that allow for mining to continue but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage.

Specifically, I am in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,



Paul G. Anderson
1903 LaSalle St.
St. Louis, MO 63104

March 19, 2004

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MAR 22 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

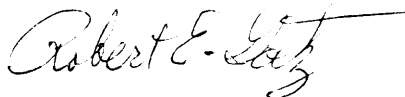
Dear Mr. Coen:

I am writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri – regulations that allow for mining to be continued, but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage.

Specifically, I am in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. With out such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,



Robert E. Goetz



P. O. BOX 19112, SAINT LOUIS, MO 63118
(314) 772.0301 ★ JMO4REP@JUNO.COM

RECEIVED

MAR 22 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 19, 2004

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Dear Mr. Coen:

I am writing to express my concern about in-stream gravel mining in Missouri. In order to protect the environment for the sake of the health of our own bodies and souls and for the sake of future generations, I urge that we institute enforceable and reasonable limitations that allow for mining to continue but protect our precious streams. These should include reasonable guidelines about buffer areas, depth of mining, placement of hazardous materials, and protection of sensitive streams. This will not harm business; responsible miners have a long history of working within such guidelines.

Regulations should include:

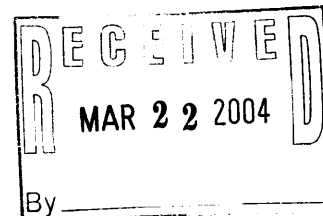
- A buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel
- A buffer of 100 feet along the "highbank" of stream to protect riparian vegetation
- A restriction on mining below one-foot above the water level
- A requirement that MDNR consider whether endangered species are present before issuing a mining permit

I grew up enjoying the gravel-bed streams of southern IL, and since moving to Missouri in 1986, I've had far too little time to explore this geological similarity in our terrain, but I have friends who regularly do. I look forward to enjoying more time in the beauty of creation when I retire or when the press of work allows. Let's protect our Ozark stream, our fish and wildlife, and recreational resources.

Sincerely,



Jeanette Mott Oxford



March 22, 2004

Larry Coen, Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Re: Notice To Submit Comment
Proposed Rule 10 CSR 40-10.050 Performance Requirements

Dear Mr. Coen:

Midwest Environmental Consultants (MEC) submits the following comments on the following proposed rule:

2014 Williams Street
Jefferson City, MO 65109
voice: 573.636.9454
fax: 573.761.4200

www.mec.com

1. *10 CSR 40-10.050(14)(B)B.9 Vehicles and other equipment shall be limited to removal sites and existing crossings. Water shall be crossed as perpendicular to the direction of the stream flow as possible.*

Comment - The proposed LRP rule appears to give authority to cross streams for in-stream gravel removal. Has the Land Reclamation Program (LRP) sought guidance from the Water Pollution Control Program (WPCP) concerning crossing a stream?

Comment - If a person has a LRP permit to mine in a flood plain of a stream and has no other access to the area but to cross the stream, does the above rule allow vehicles and other equipment to cross a stream to get to the mine site?

2. *10 CSR 40-10.050(15) Outstanding Resource Waters (10 CSR 20-7.031)(C) All other applications for in-stream sand and gravel operations on "Outstanding State Resource Waters" shall be reviewed individually to determine if specific conditions are necessary to preserve these stream reaches during mining activity. These individual reviews would assist the applicant in focusing on issues of specific concern. The individual review shall include a site visit by Department of Natural Resources (DNR) staff prior to permit issuance, and annual site inspections by DNR staff during the life of the permit.*

Comment - What review standard will the DNR use to “determine if specific conditions are necessary to preserve these stream reaches during mining activity?”

Sincerely,

MIDWEST ENVIRONMENT CONSULTANTS

A handwritten signature in black ink, appearing to read "Dean Smart", with a long horizontal flourish extending to the right.

Dean S. Smart
Project Manager

LYNDA L. RICHARDS

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MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Mr. Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

March 19, 2004

Dear Mr. Coen,

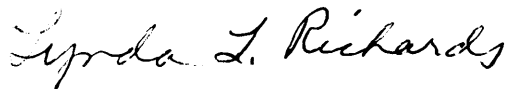
I am writing concerning reasonable limitations on in-stream gravel mining in Missouri's irreplaceable streams. We can allow some mining, but regulations must exist to prevent abuse and damage.

We need standards for buffer areas, depth of mining, placement of hazardous materials, and protection of sensitive streams. Such regulations will not interfere with the operations of responsible miners who already follow these practices, but will stop bad actors before they cause damage.

There must be a 20-foot buffer between the mining area and the water-flow (50 feet would be better). No riparian vegetation should be disturbed. Mining shouldn't be allowed deeper than a foot below water level, because large pools form, causing the water to get heated up in the summer. Streams should be surveyed for endangered species before permits are issued.

Please do adopt enforceable gravel mining regulations. I realize there is pressure at the moment from some quarters to abolish the regs. But we can't allow the few to destroy fish and wildlife habitat, recreational resources, public infrastructure, and private property. Thank you for considering my comments.

Sincerely,



Lynda L. Richards

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MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Re: Stream Protections

Dear Mr. Coen:

I am writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri.

Regulations can be instituted that allow for mining to continue but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage.

Specifically, I am in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,



David L. Garin
6186 Westminster Pl
St. Louis, MO 63112

March 20, 2004

RECEIVED

MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on balance of the proposed excavation standards between protection of the streams of Missouri and the commercial value of gravel in those streams.

Fishing and other stream-based recreation are economically important activities in Missouri. Stream fishing alone accounted for \$170 million in direct expenditures in 1996. This figure does not include the additional economic activity generated by swimmers, canoeists, hunters, and other stream users.

The negative effects of in-stream gravel mining are well documented in the scientific research literature and have been proven not only nationally but also in the Ozarks of Missouri and Arkansas. Effects include:

- ▶ erosion of streamside private property and its real estate value,
- ▶ erosion of public property
- ▶ damage to private and public infrastructure such as roads, bridges, pipelines, and utility lines
- ▶ losses in productivity of valuable fisheries, and
- ▶ losses to biological diversity.

The proposed amendments were reached through compromise and should not be further reduced. Please do not allow any further delays in their implementation.

Please complete the process quickly to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

Ray W. Stahl
7472 Brightwood
ST. LOUIS MO.

March 20, 2004

RECEIVED

MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

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W. H. F. John
6515 Riverside Dr
St. Louis, MO

RECEIVED

March 20, 2004

MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

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The proposed amendments have already been compromised and should not be further reduced. Also, please do not allow any further delay in implementation of the amendments.

Thank you for the opportunity to offer comments on these proposed amendments.

James J. Sullivan
413 Morning Meadow Dr
Lake St Louis MO 63367
(636) 625-2880

RECEIVED

MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

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The proposed amendments are a minimum protection to stream resources and should not be further reduced. Please do not allow any further delays in their implementation.

Please complete the process as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

Diana Eisenbath

*Diana Eisenbath
100 Westmire Dr.*

TROY mo 63378

March 20, 2004

RECEIVED

MAR 23 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MISSOURI LAND
RECLAMATION COMMISSION

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- ▶ erosion of streamside private property and its real estate value,
- ▶ erosion of public property
- ▶ damage to private and public infrastructure such as roads, bridges, pipelines, and utility lines
- ▶ losses in productivity of valuable fisheries, and
- ▶ losses to biological diversity.

The proposed amendments were reached through compromise and should not be further reduced. Please do not allow any further delays in their implementation.

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Manley M. H. S.
Box 69
Zellflower MO
63332

March 20, 2004

RECEIVED

MAR 23 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MISSOURI LAND
RECLAMATION COMMISSION

Re: Proposed amendment to sand and gravel operations regulations

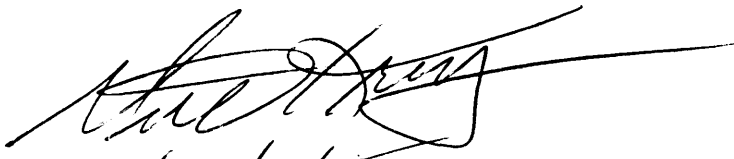
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Thank you for the opportunity to offer comments on these proposed amendments.


MICHAEL KRUEGER
2003 RAVEN
ST LOUIS MO 63133

March 20, 2004

RECEIVED

MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

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Thank you for the opportunity to offer comments on these proposed amendments.


DR. Russell S. Hill Jr.
46 WITHMER DR.
CHESTERFIELD, MO 63017

ROBERT M. DOERR

39 McFarland Drive
Rolla Mo 65401-3828
bdoerr@rollanet.org
(573) 364-1275

RECEIVED

MAR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

19 Mar 2004

Mr. Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Dear Mr. Coen:

This is to urge you to adopt enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri. A permit system is necessary.

I realize that reasonable regulations will prevent gravel mining on some small streams.

Regulations can be adopted that allow for mining to continue but protect our precious streams against the siltation and other damages that result from careless gravel mining. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent miners of the other kind from causing excessive damage.

Specifically, to protect the integrity of the stream channel, I urge a minimum buffer of 20 feet between any mining activity, including gravel washing, and the water's edge. In addition, I urge a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, no mining below one-foot above the water level, and a requirement that DNR determine whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,

R. M. Doerr

March 24, 2004

Mr. Larry Coen, Staff Director
Land Reclamation Commission
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

RE: Proposed Amendment to Sand and Gravel Rules

Please enter the following into the record of your deliberations on the proposed amendments to the sand and gravel permit and performance rules published in the Missouri Register.

I am writing to support the proposed rule amendments as published and to ask that the commission adopt these amendments without further changes.

Many Missouri streams have been severely degraded by poor gravel mining and land-use practices. These streams are simply too valuable as a public resource to be subject to further degradation. Restoration and maintenance of water quality and aquatic habitat can only occur under adequate guidelines for sand and gravel operations. Claims that streams will be improved by unregulated efforts to "clean out" gravel have no basis in science. Streams will only be improved by careful regulation of mining practices and the establishment of scientifically based bank stabilization programs.

The proposed amendments have been developed as a compromise among interested parties and should not be compromised any further. I am particularly opposed to any further compromise on the 10-foot buffer between excavation areas and the water's edge (14(B)2), operations in Outstanding National or State Resource Waters (15), and consultation with other agencies on threatened or endangered species (16).

I thank the Commission for its efforts in developing these proposed amendments and for the opportunity to submit comments.

Sincerely,

Terry R. Finger
9882 Rt. N
Columbia, MO 65203
573-657-2303
kaaterskill99@aol.com

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Re: Stream Protections

Dear Mr. Coen:

I am writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri. I have been regularly canoeing and hiking along the streams of Missouri with family and friends since I was 5 years old. My parents fought hard to protect the Meramec River from the planned dam that would have inundated many miles of irreplaceable stream resources. It is past time that the remaining open streams are protected from other threats as well.

Regulations can be instituted that allow for mining to continue but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage.

Specifically, I am in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,

Tyler S. Harris
4119 Toenges Ave.
St. Louis, MO 63116
tsharr93@earthlink.net

Robert L. Temper
5617 Greenton Way
St. Louis, MO 63128

RECEIVED

MAR 24 2004

March 19, 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen, Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the work by the commission on protection of the streams of Missouri. Having been a member of the Working Group, I know how difficult it is to come to a compromise on the subject of streams and gravel mining. The two rules requiring buffers and a depth-of-excavation limit are particularly important. The U.S. Army Corps of Engineers required similar rules from April 1995 to April 1997 without hardship on miners. As such, claims by rules opponents that excavation rules will regulate them out of the business are without foundation. Furthermore, there have been no documented negative economic impacts to the Ozarks region or the mining industry as a result of those earlier voluntary guidelines. Adopting excavation rules would provide a foundation for fair competition among all commercial gravel miners.

Claims by rules opponents that gravel must be "cleaned out" of our streams to prevent erosion or should be bulldozed against eroding stream banks to protect them are quickly revealed as untrue once these claims are compared to knowledge of stream behavior uncovered by scientists over the last 20 years. Pushing gravel against stream banks is not an effective means of bank stabilization and requires that heavy equipment be operated in the stream channel in a manner very similar to gravel excavation. Gravel "clean out" and gravel pushing activities also should be limited to the most rare circumstances by effective excavation rules. If you need expertise on this subject, contact Bill Turner of the Missouri Department of Conservation. I recently attended a seminar on stream bank stabilization that he presented that was exceptional. It would go a long way at satisfying land owners if they were made aware of this type of professional help.

The proposed amendments have already been compromised through the committee work and further at the public hearings. They should not be further reduced. Do not allow any further delay in implementation of these amendments. We have gone long enough without real stream protection with adequate excavation standards.

Thank you for the opportunity to offer comments on these proposed amendments.



Robert L. Temper
314-894-0319
rtemper@earthlink.net

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on the proposed excavation standards. They strike a balance between protection of the stream resources of Missouri and the commercial value of gravel in the streams. The proposed regulations are a minimum protection and should not be further compromised. Please do not allow any further delays in their implementation.

Excavation rules should not be limited to commercial gravel miners. City and County highway departments are major excavators of in-stream gravel, and many exercise little restraint in how they conduct their excavation activities. Effective rules should hold them accountable to the same responsibilities that commercial miners will be held to.

Please complete the approval and implement the performance requirements as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.



Patrick Hummert

9601 Flora Ave.

Overland, Mo., 63114

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MAR 24 2004

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March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
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William E. Hale Jr.
4709 SEIBERT AVE
ST. LOUIS, MO. 63123

RECEIVED

MAR 24 2004

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Missouri Department of Natural Resources
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TERRY KOCH

7300 STREAM VALLEY CT
ST LOUIS MO 63129-5291

March 20, 2004

RECEIVED

MAR 24 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MISSOURI LAND
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The proposed amendments were reached through compromise and should not be further reduced. Please do not allow any further delays in their implementation.

Please complete the process quickly to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

Dennis R. Hammett
HCR 33 Box 50
Rolla, Mo. 65401

March 20, 2004

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MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
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Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

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Thank you for the opportunity to offer comments on these proposed amendments.

George Bohigian MD.
44 Godwin LA.
St Louis, Mo. 63124

16300 Co. Rd. 7550
Newburg, Mo. 65550

RECEIVED

MAR 24 2004

MISSOURI LAND
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Missouri Department of Natural Resources
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2256 Viewway #1
Des Peres, MO
65131

RECEIVED

MAR 24 2004

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Charles H. Young
1032 Spruce St.
St. Charles, Mo.
63301

March 20, 2004

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

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He Bannan
4731 Brawley St
Saint Louis, Mo
63128

RECEIVED

MAR 24 2004

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RECLAMATION COMMISSION

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Land Reclamation Program
Missouri Department of Natural Resources
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Jefferson City, MO 65102-0176

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ALFRED NADOLNY
Alfred Nadolny
2603 Black Forest.
St. Louis mo
63129

RECEIVED

MAR 24 2004

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March 20, 2004

Staff Director
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Missouri Department of Natural Resources
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Dean A. Harrison
2342 Claymont Dr
Chesterfield, MO
63017

RECEIVED

MAR 24 2004

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Missouri Department of Natural Resources
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Jefferson City, MO 65102-0176

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Louis A. Jurawos
LOUIS A. JURAWOS
12564 LARKWOOD DR
St Louis, MO 63146

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

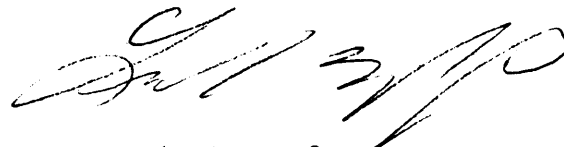
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Del and W. T. Trog

41 Wildlife Lane

Del.ince, mo 63341

RECEIVED

MAR 24 2004

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RECLAMATION COMMISSION

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Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
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JOSEPH L. AIMONETTE
1650 FAIRMOUNT DRIVE
FLOISSANT, MO. 63033-2647

RECEIVED

March 20, 2004

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

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The proposed amendments have already been compromised and should not be further reduced. Also, please do not allow any further delay in implementation of the amendments.

Thank you for the opportunity to offer comments on these proposed amendments.

*The CONSERVATION DEPT. "taught
me that CONSERVATION is WISE
USE!"*

*CHRISTIAN WERSTEIN
8973 PROVO LANE #A
ST. LOUIS, MO. 63123*

Christian Werstein

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

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Dear Commissioners;


I appreciate the work of the commission on protection of the streams of Missouri as well as the commercial value of gravel in those streams.

Especially important are the two rules requiring buffers and a depth-of-excavation limit. From April 1995 to April 1997, the U.S. Army Corps of Engineers required that very similar rules be followed by gravel miners, who were economically viable during that time. Therefore, claims by rules opponents that excavation rules will regulate them out of the business are without basis. Furthermore, there have been no documented negative economic impacts to the Ozarks region or the mining industry as a result of those earlier voluntary guidelines. Adopting excavation rules would provide a foundation for fair competition among all commercial gravel miners.

Excavation rules should not be limited to commercial gravel miners. County highway departments are major excavators of in-stream gravel, and many exercise little restraint in how they conduct their excavation activities. Effective rules should hold the counties accountable to the same responsibilities that commercial miners will be held to.

The proposed amendments were reached through compromise and should not be further compromised. Please do not allow any further delays in their implementation.

Thank you for the opportunity to offer comments on these proposed amendments.


Heland K. Trapp
41 Wild Horse Lane
De Soto, MO 63341

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on the proposed excavation standards. They strike a balance between protection of the stream resources of Missouri and the commercial value of gravel in the streams. The proposed regulations are a minimum protection and should not be further compromised. Please do not allow any further delays in their implementation.

Excavation rules should not be limited to commercial gravel miners. City and County highway departments are major excavators of in-stream gravel, and many exercise little restraint in how they conduct their excavation activities. Effective rules should hold them accountable to the same responsibilities that commercial miners will be held to.

Please complete the approval and implement the performance requirements as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

James J. Sullivan
413 Morning Meadow Dr
Lake St Louis, MO 63367

RECEIVED

March 20, 2004

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

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Claims by rules opponents that gravel must be "cleaned out" of our streams to prevent erosion or should be bulldozed against eroding stream banks to protect them are quickly revealed as untrue once these claims are compared to knowledge of stream behavior uncovered by scientists over the last 20 years. Pushing gravel against stream banks is not an effective means of bank stabilization and requires that heavy equipment be operated in the stream channel in a manner very similar to gravel excavation. Gravel "clean out" and gravel pushing activities also should be limited to the most rare circumstances by effective excavation rules

The proposed amendments have already been compromised and should not be further reduced. Also, please do not allow any further delay in implementation of the amendments.

Thank you for the opportunity to offer comments on these proposed amendments.

Glenn Best

*Glenn Best
7415 Commonwealth
Maplewood, MO 63143*

314-645-1049

March 20, 2004

RECEIVED
MAR 24 2004
MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations


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The proposed amendments have already been compromised and should not be further reduced. Also, please do not allow any further delay in implementation of the amendments.

Thank you for the opportunity to offer comments on these proposed amendments.


LOUIS A. JURANAS
12564 LARKWOOD DR
St. Louis, MO 63146

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on balance of the proposed excavation standards between protection of the streams of Missouri and the commercial value of gravel in those streams. The proposed regulations are a minimum protection and should not be further compromised. Please do not allow any further delays in their implementation.

Please complete the approval and implement the performance requirements as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

Cliff H. Parmer
CLIFF PARMER
40 SHARON DR.
ST. CHARLES, MO 63303

March 20, 2004

RECEIVED

MAR 24 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MISSOURI LAND
RECLAMATION COMMISSION

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

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Especially important are the two rules requiring buffers and a depth-of-excavation limit. From April 1995 to April 1997, the U.S. Army Corps of Engineers required that very similar rules be followed by gravel miners, who were economically viable during that time. Therefore, claims by rules opponents that excavation rules will regulate them out of the business are without basis. Furthermore, there have been no documented negative economic impacts to the Ozarks region or the mining industry as a result of those earlier voluntary guidelines. Adopting excavation rules would provide a foundation for fair competition among all commercial gravel miners.

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The proposed amendments were reached through compromise and should not be further compromised. Please do not allow any further delays in their implementation.

Thank you for the opportunity to offer comments on these proposed amendments.

Geo. E. Murphy
6211 The Pherson Ave.
St. Louis, Mo 63130

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on balance of the proposed excavation standards between protection of the streams of Missouri and the commercial value of gravel in those streams.

Fishing and other stream-based recreation are economically important activities in Missouri. Stream fishing alone accounted for \$170 million in direct expenditures in 1996. This figure does not include the additional economic activity generated by swimmers, canoeists, hunters, and other stream users.

The proposed amendments are a minimum protection to stream resources and should not be further reduced. Please do not allow any further delays in their implementation.

Please complete the process as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

Patti Hummert

Patti Hummert

9601 Floer

St. Louis, MO 63114

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

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Please complete the approval and implement the performance requirements as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

Carolyn R. Hellmuth
CAROLYN R. HELLMUTH
1186 Delmar Blvd.
ST. LOUIS, MO. 63130

314-726-3455

March 20, 2004

RECEIVED

MAR 24 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MISSOURI LAND
RECLAMATION COMMISSION

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

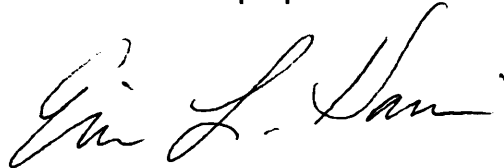
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Especially important are the two rules requiring buffers and a depth-of-excavation limit. From April 1995 to April 1997, the U.S. Army Corps of Engineers required that very similar rules be followed by gravel miners, who were economically viable during that time. Therefore, claims by rules opponents that excavation rules will regulate them out of the business are without basis. Furthermore, there have been no documented negative economic impacts to the Ozarks region or the mining industry as a result of those earlier voluntary guidelines. Adopting excavation rules would provide a foundation for fair competition among all commercial gravel miners.

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The proposed amendments were reached through compromise and should not be further compromised. Please do not allow any further delays in their implementation.

Thank you for the opportunity to offer comments on these proposed amendments.



Erin Harris
4567 A Loughborough Ave.
St. Louis, MO 63116

March 20, 2004

RECEIVED

MAR 24 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

MISSOURI LAND
RECLAMATION COMMISSION

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the work by the commission on protection of the streams of Missouri. The two rules requiring buffers and a depth-of-excavation limit are especially important. From April 1995 to April 1997, the U.S. Army Corps of Engineers required similar rules without hardship on miners. As such, claims by rules opponents that excavation rules will regulate them out of the business are without basis. Furthermore, there have been no documented negative economic impacts to the Ozarks region or the mining industry as a result of those earlier voluntary guidelines. Adopting excavation rules would provide a foundation for fair competition among all commercial gravel miners.

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The proposed amendments have already been compromised and should not be further reduced. Also, please do not allow any further delay in implementation of the amendments.

Thank you for the opportunity to offer comments on these proposed amendments.

Steve White
Pres Mo. Smallmouth
Alliance
1041 Cambridge ~~Way~~ Ways
Chesterfield MO 63017

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on balance of the proposed excavation standards between protection of the streams of Missouri and the commercial value of gravel in those streams. The proposed regulations are a minimum protection and should not be further compromised. Please do not allow any further delays in their implementation.

Please complete the approval and implement the performance requirements as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

LEO KLESNER
7542 KERRY CT
SHREWSBURY, MO
63119

RECEIVED

MAR 24 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen

Land Reclamation Program/Missouri DNR

P.O. Box 176

Jefferson City, MO 65102

Re: Stream Protections

Dear Mr. Coen:

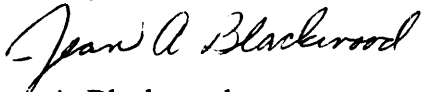
I have been an active Missouri Stream Team member since 1996 and I urge Missouri DNR to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri.

Regulations can be instituted to allow for mining to continue but also protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage.

Specifically, I favor a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Please adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property.

Sincerely,



Jean A. Blackwood

Concord Stream Team, #742

6031 CR 105

Carthage, MO 64836

3 - 22 - 04

c. Russell Wood
Ozark Chapter
Property Rights Congress

Staff Director
Land Reclamation Program
P.O. Box ~~17~~ Jefferson City, MO 65102
176

RECEIVED

MAR 24 2004

Dear Sir,

MISSOURI LAND
RECLAMATION COMMISSION

Let me commend you on sticking with your original intent of accepting the preferred wording of the workgroup that you asked to refine the proposed sand and gravel rules. The ten item set of rules you have adopted is more reasonable than the original set you proposed.

Aside from the fact that a majority of the workgroup voted in favor of keeping guidelines instead of implementing rules, three important points are still not dealt with.

1. Economic impact
2. Curtailing landowners' rights to sell renewable resources
3. Showing a need for laws.

To say the economic impact will not exceed \$500 is completely ludicrous. The regulations reduce the amount of sand and gravel that can be removed drastically. A landowner does not receive much for each yard of product removed, but the combined revenue lost statewide certainly exceeds \$500.

I've heard both Reclamation and Missouri Department of Conservation staff members explain that the new regulations would have no more impact than the guidelines that commercial operators are already required to follow. True, but that's like saying, "We tore the roof off your house yesterday, so you won't get any wetter tomorrow than you did today."

Limiting Gravel removal and essentially directing that gravel be taken from locations away from the stream where it's less plentiful- as opposed to near or in the stream where the gravel is, takes away the rights of the landowner to manage and sell a renewable resource from his land.

All through the proceedings and to this day, no scientific proof has been presented to show a need for these proposed rules. No real time studies of the impact of gravel removal from Ozark streams have been made or presented as evidence of need.

A recent paper prepared by Michael J. Roell, MDC showed an overview of what operators are doing in their gravel mining operations, and repeated previously drawn assumptions, but did nothing to show cause and effect or a need for rules.

So much has been made of head cutting and that is the stated reason for not wanting gravel removed below water level. Yet Roell reports that from arial observation he is unable to detect mining below the water surface. If this practice is as devastating as has been presented, you would think it would be easily spotted. Evidently he didn't find ruinous conditions that warranted rules being placed on a landowner's rights to manage his own property.

Respectfully,



c. Russell Wood

> Bob Parker Comments on New Regulations

>On Sand and Gravel Mining in Missouri

>

>

>Ok, let's see. Here we are after months and months of meetings and discussions on the Sand and gravel mining issue. What has happened?

>

>1. In the beginning DNR places new regulations in the Missouri Register to become law. No input from private citizens or industry. DNR admits that about 5 people within the Bureau of Land Reclamation drafted the regulations.

>

>2. Due to opposition by industry and concerned citizens DNR decides to hold hearings and gather public input on the issue according to the law. DNR is told by Texas County Commissioners that they have violated the law contained in the Federal NEPA Act by not involving Texas County in discussions about the economic impact to Texas County. DNR decides to form a committee to look at the issue.

>

>3. DNR chooses who is on the committee to review the regulations. A majority of the group supports the regulations. When the minority finds out that votes will be taken on each regulation to see if it stands, the minority cries foul as many individuals supporting regulations work for the government, several from the same agencies. These individuals decide not to vote. Now the minority is the majority.

>

>4. The majority of the group asks to see data on the economic impact of these proposed regulations. It is discovered that no economic studies have been done on any of the proposed regulations.

>

>5. The majority asks about any pertinent scientific studies on the effects of gravel mining in Missouri. No studies were presented from Missouri. Studies from the Pacific Northwest, the Desert Southwest, Indonesia, and other areas were presented. Because of the great differences in soil types and conditions the majority questioned the applicability of these studies to our Ozark streams. The Majority is told that DNR doesn't have the money or time to do any studies on this issue.

>

>6. The workgroup is told by the facilitator, who is paid by DNR, that her boss, DNR Director Stephen Mafood, has told her that the group has been assembled to write regulations. We are told by DNR that if we are not here to write new regulations, then we should leave. Any objections or questions about economic or science are not to interfere with the regulation writing process. Several object to the refusal to look at economics and science surrounding the issue. We are told by DNR that new regulations must be written and there is no time to look into these issues. Again, it was made clear to the workgroup that if we refused to begin writing new guidelines/regulations, then we should leave. Most that had

objected choose to stay to at least be able to have input into the wording of the regulations. If we leave those who support regulations will write whatever they want.

>

>7. The workgroup begins writing regulations, a vote is taken whether or not the new regulations should just be guidelines and not regulations. The majority votes that the wording that we are working on should not be adopted as regulations but as guidelines. It is clear to me DNR will want these to be new regulations as they made it clear they want the force of law and the ability to levy fines.

>

>I personally tried to come to these meetings with an open mind and listen to the facts about this issue. I have read all of the studies and been to all but one of the meetings. We still don't know the economic impact of these new regulations. How will these new regulations impact the following economic areas.

>

>a. The cost of sand and gravel?

>b. The availability of sand and gravel?

>c. The impact on concrete prices?

>d. The impact on road cost at the local, state and federal level?

>e. The impact to machinery dealers that supply this industry?

>f. The impact on people thinking about getting into the business or staying in?

>g. Will we lose local jobs?

>h. The impact to our local tax base?

>i. The economic impact to the people that own the sand and gravel, local landowners?

>j. How hard will it be for DNR to add feet to the new 10 ft buffer zone restriction? Can't DNR just slowly ratchet up these new regulations to basically stop all gravel removal?

>k. A new study reveals that the vast majority of gravel mining isn't in compliance with the guidelines. DNR maintains that adopting these new regulations won't have an economic impact of over \$500. This new study proves beyond a doubt that DNR has grossly underestimated the cost to gravel miners and the rest of our Missouri economy.

>

>The real cost of these new regulations remains virtually unanswered as none of them were dealt with by this workgroup because DNR refused to take the time for the workgroup to address economic issues. The majority of the group wanted to look at these issues but were denied the ability to do so. I might add that the Missouri Farm Bureau states that DNR should study the economic and scientific impact of these new regulations before adopting any.

>

>As to the scientific concerns that many of the workgroup members had including myself. We were expected by DNR staff to accept studies done in other countries and states, none of them in Missouri I might add, as to what the impact of sand and gravel mining to Ozarks streams is. I can understand how

headcutting can be a problem on a stream in the desert Southwest that has a mud bottom and little gravel, but I can't see how it could be a problem on an Ozark stream with a rock bottom and an excess of gravel. This headcutting issue is constantly being cited as a huge problem. In our area the huge problem seems to be too much gravel filling up the streams. No studies have been done to see if headcutting can be a problem on gravel rich, rock bottom streams like we have in most of the Ozarks region. I still have many questions about the scientific aspects of gravel mining, such as.

>

>a. Does excess gravel in the stream constrict the waterway, forcing the water to cut the streambanks?

>b. Does excess gravel reduce fish habitat? The Conservation Commission removes gravel from our State Parks to provide for trout. Won't fish habitat be enhanced by gravel removal?

>c. I would like to see the data from the Conservation Commission about their gravel removal activities in the trout parks and other streams. We need an indepth study on this issue.

>d. Doesn't leaving vegetation on the gravel bar force the water to the opposite bank and cause increased streambank erosion?

>e. I understand that there is an issue with sediments covering fish eggs, but if gravel left in the stream causes increased streambank erosion, couldn't sediments be reduced by gravel removal?

>f. The proposed 10ft buffer zone is very problematic. Won't allowing brush to grow on the gravel bars on the inside bend of the river cause more water pressure and velocity on the opposite streambank causing increased erosion and sediment such as is taking place on Potters creek in Texas County which I might add is being managed by Bill Turner and the Deptment of Conservation and is a disaster?

>G. I also understand that Bill Turner trains gravel mining inspectors for DNR. Do his views represent the general views and policy of the Conservation Department? I can only assume they do. I believe these policies will be a disaster for our Missouri streams. Again, just come and study Potters creek in Texas County to see the results of this junk science.

>

>Not one instance of a benefit of gravel removal was presented by anyone opposed to gravel mining. Has DNR's approach to this issue been fair and balanced? It has not.

>

>If gravel removal is helpful to our streams by improving fish habitat and reducing streambank erosion

>by opening the water channel to allow for water to reduce pressure on the opposite bank, then we could be doing exactly the wrong thing for our fish and our streams and rivers. We have listened to the

>so-called experts from the Conservation Department about the Muli-flora Rose and the Otters. We need to start making regulatory decisions based on more

than emotions and opinions. We need sound science and additionally we must know the economic impact of these regulations.

>

> If you don't think we need to worry about economic impacts just tell that to Missouri schools or the Department of Transportation. How much more will it cost to build a road if those who oppose gravel mining have their way? They proposed 100 ft buffer zones from the streams in our meetings. That would virtually end sand and gravel production in the Ozarks.

>Where will the aggregates come from for construction projects? Quarries? How many new quarries are being permitted this year in the state? Will the gravel be dredged from the Missouri River? What will it cost to transport it to the Ozarks? What about environmentalists already trying to shut down dredging in the Missouri river? Why has MoDot refused to get involved in this issue? I have asked them to look at the issue. It appears they don't understand the impact of this issue, but then, they haven't seemed to understand the impact of many issues it seems lately.

>

> When I became involved in this issue I suspected in a general way that regulators don't really understand the true impact of their regulations. After working through this process, I have realized that my worst fears about DNR have been confirmed. This is an agency out of control with no concern for taking a balanced look at this issue. My only hope is that the Missouri Legislature or the Governor will get involved in overseeing DNR and other regulatory agencies. Additionally, I believe the Counties located in the Ozarks should bring a class action suit against DNR if these regulations are adopted. The claim by DNR that the impact of these regulations is not more than \$500 to the entire state is unbelievable. DNR's position seems to be stop us if you can.

>

>In the strongest possible terms I urge our elected officials to put a stop to the extreme activities of this agency. I also urge our elected officials to demand proper time be spent looking at the economic and environmental issues involved in gravel mining. DNR Director Mafood personally promised me in a letter in the Rolla paper that these issues that I have raised would be looked into. This is a promise that Director Mafood did not keep.

>

>DNR's slogan is "Excellence and Integrity in all we do". Their new slogan should be "We do anything we want to do".

>

>

> Bob Parker, Texas County Farm Bureau Information Chairman

RECEIVED

MAR 25 2004

MISSOURI LAND
RECLAMATION COMMISSION

Jerry Jarosik
9511 Hale Drive
St. Louis, MO 63123

March 18, 2004

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission in reaching a balance in the proposed excavation standards between protection of the streams of Missouri and the commercial value of gravel in those streams. The proposed excavation regulations are a minimum protection and should not be further compromised. Neither should there be any further delays in implementation.

Please complete final approval and commence the implementation and enforcement of the performance requirements as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.



Jerry Jarosik

TEXAS COUNTY PLANNING COMMISSION

**210 North Grand Avenue
Houston, Missouri 65483-1226**

February 12, 2004

Land Reclamation Commission
Dept of Natural Resources
P. O. Box 176
Jefferson City, Missouri 65102

Dear Members,

We, the Texas County Planning Commission members, wish to make known our great concern about the proposed In-stream sand and gravel rules that are in the process of becoming regulations. While at the present time these are for Commercial mining, it is a concern that the next step will be to go after private landowners as well.

At the present time, under the proposed guidelines, Commercial Mining Company's are required to have a reclamation plan ready when they apply for a permit from DNR. This procedure is in place and working well.

Concerning the private land owners, as has been stated, they can remove the gravel that is choking their stream using their own equipment. If someone is hired to do the work a permit will be required, thereby adding undo hardship on the landowner. The landowner owns the land, pays the taxes, is the steward and guardian of his property. They should not have the burden of a Governmental agency infringing or placing restrictions. We all want to keep our property, land and streams in the very best possible condition, to pass on to our children, grandchildren, and many generations to come. To say a private landowner can stock pile the gravel away somewhere and only use it for his own use, but not sell it, seems to be infringing on his private rights. It is his renewable resource, just as timber, cattle, hay, etc. That should be the landowners decision, not mandated by Government Employees.

We would recommend that the guidelines remain guidelines and not mandatory regulations. Regulations will place additional economic costs on all the people of Missouri. We also feel DNR needs to be responsible and held accountable to make economic impact studies for each area of Missouri. Missouri streams, waterways, accumulation of gravel, formation of stream bottoms are not all the same. If the agency wants to mandate to the people of Missouri, they must show proof of the economic cost to that particular area.

On behalf of the Texas County Planning Commission, private landowners, private citizens of Texas County, we appreciate your reading and taking our concerns into consideration on this very important matter.

Respectfully,


Wilma Jeanne Urban, President

To: Land Reclamation Committee
Dtd: Mar 25, 04

From: Citizen of Texas County, Missouri

Dear Committee,

Does the citizen have any decision on how this State addresses its issues? The governor of Wyoming is practicing democracy. There plan on the wolf issue was a reflection of the **will of the people**. Does Missouri governor also accept the will of the people? In our past meetings, I have quoted passages from the **Army Engineering** book and a college class's **Micro-Biology** book that shows the science on this issue. This statement that you received from me previously is science backed up by the very books that is being taught in colleges and in the Army! It is apparent that your gravel mining issue is not with the ecological science of rivers and streams, there has never been a debate about that. I presume this issue of using sand and gravel is of a political nature. Therefore, I will make my comments of a political nature.

A Streams and River law of the United States was read in the past meeting. It stated that a non navigatable river, class III, on the owners private land belong to the property owner. Today, you are still here debating regulations on private property as if a land owner doesn't have the right to his property taxed non-navigatable river or stream gravel! The law **and** the US Constitution was written so that a property owner would keep the right to use or give away all the gravel he wanted. Then why does the user of this resource -gravel- need a licence or permit tax when using a large amount ? Sales tax is a different issue. The law states that a navigatable river's resources belong to the public and are **for the public's use**. Then why does the State of Missouri tax a resident for this gravel? Also a Missouri resident has to show a receipt for payment called a fishing licence tax before he can go fishing in public rivers and lakes? Tax, licence, and permit is when paying money to a government official for the use of something that does not belong to the government. The semantics of the words: tax, licence and permit is when money is given to a government.

Currently, when issues are presented to us, we are directed to comment on

the already proposed regulations and taxes that the LRC chooses as to regulate and tax our community's resources may it be called a tax, licence or permit. The law states that the Land Reclamation Committee must consider **all** comments and forward them to their superiors. You are chosen by your governor and not publically elected, so you are not accountable to the public, **but the Governor of the State is accountable!** In a representative democratic society, citizens or their elected representatives of a community are to have control over matters placed on the agenda for that community. This agenda of 'Sand and Gravel' is not an agenda of the citizens that live here, **it is the agenda of a non citizen that does not live here** . The question is **whether the non-elected decision-makers are adhering to the democratic process.** The guidance for LRC members who serve here are to give support for the '**peoples will**' of the citizens that live in these local areas of concern. Its that the State supports its citizens and not the citizens support the State!

How much time does the citizen commit to with this ongoing gravel issue before it is considered **unreasonable**? Some organizations, as the UNESCO, participates in the regulation of Biospheres and etc. in our land, trains and helps finance many organizations to fulfill UNESCO's agenda. The **Sierra Club** is an NGO affiliate with UNESCO. These NGOs are not elected by the citizens from areas of concern and neither are **they representatives of these communities of concern**. This raises the question of legality. Our nation has been managed under a democratic process by the will of the people and for the will of the people and sanctified by our Constitution . These community policy conflicts include issues like road upkeep that depend on using dry river and stream bed gravel, private ownership of timber use, gravel mining permits to take gravel from public and private land, losing private property to the UNESCO's Biosphere programs, and Desertification's regulations that may restrict the owner's use of his water and trees. All these policies tend to add to the list of conflicts! NGOs as the Sierra Club may show partiality towards the UNESCO's agenda and therefore **should not be considered in any decision making for a community** that the policies will effect. Only the communities of concern, to include their **Land Use Plan**, should be recognized by you (LRC). It is already a law that is still 'on the books' and should be honored respectfully.

The LRC have allowed inside area of concern citizens and outside area of concern **organizations** to participate in discussions that the LRC chooses. By the

LRC using comments from any people 'outside and inside the area of concern', you (LRC) can make claims that you have involved the concerned citizens in the development of policies. If this procedure of using 'outside' organizations, as the Sierra Club and UNESCO's guidance/regulations from the UNDP's Sustainable Environment program agendas (UNEP), **does not stop**, the LRC participation with these 'outside' organizations will make a mockery of our democratic process. As it stands today, many other countries make mockery of our democracy! If you honor the American way of democracy, you also will not make a mockery of the **presiding governor** that had chosen this LRC council! If the governor wants to honor our democracy, his guidance to you will be to consider the responses of the effected citizens of the community on this issue. The counties of concern has elected officials that are knowledgeable to determine the criteria of their own socio-economic make-up. Texas County has a **Land Use Plan** that, by law, makes the decision and not some non-community citizen or some Non Government Organization (NGO) to intrude in our own county policies.

The law of the land (written early 1800s for US of A) was read **out loud** at a former meeting at this LRC in Jefferson city last year (2003) about this gravel issue. The law stated that **non navigatable rivers, and streams, class III, belong to the property owner**. The gravel in shallow rivers and streams are part of the property that **belongs to the property owner** and therefore shall not need a permit to use a little or large amount of gravel. I find this meeting today unconstitutional and unacceptable under the Land Use Plan of Texas County.

-----End-----

Sincerely,
Richard David Dellerman
Citizen of Texas County,
Missouri

To: TRC, Jefferson City, Mo.

Dtd: Mar 25, 04

To: Department of Natural Resources, Jefferson City, Mo.

To: The Governor of Missouri

From: Concerned citizen of Texas County, Mo. USA

Below comments are from the <http://dnr.mo.gov> Web Site of Research Statement given by the Land Reclamation Program, attachment D of "Impacts of gravel mining"(Sand and Gravel Briefing Response). I would like to address these statements!

DNR

Brown, Arthur and Lyttle, Madiline 1994. Impacts of gravel mining on stream ecosystems.

University of Arkansas states:

1.) "Erosion results from gravel mining disturbances causes several problems in addition to altering channel morphology and undercutting riparian trees."

My reply: Erosion occurs when gravel builds up thereby raising the water level in that specific area. When it rains, sometimes the water level will raise even farther up and over the Soil Erosion Line's natural river bed. The Soil Erosion Line is located above the gravel bed of the river bank. Without removing these newly raised gravel beds, their newly sprouting trees and brush will change the river's morphology. All debris MUST be taken out of the river/stream bed so the raised gravel mound can be lowered down to the river's natural bottom's **gravel bed**.

Riparian areas are defined as:

*The dictionary defines: **Rip-** to tear apart or off. Another word defined: **Rip-** a swift current made by rising water. So the part of the word 'rip' in 'riparian' is referred to the ability for water to form gravel/ aggregate/ dirt banks by its current! **Riparian:** an area of water flow that formed aggregate banks; raised land masses in swamps, rivers, and lakes. **River Bank:** a mound or heap,*

raised aggregate formed from flowing water, a shallow place in water.)

Therefore riparian areas are where water is existing and where flowing water forms the river's, lake's, and swamp's morphology.

To keep top soil from washing away and changing the river's morphology, we must lower these high gravel mounds. Trees and brush must be taken out inside river/stream beds!

University of Arkansas states:

2.) Gravel mining will: "Fine sediments are released - - - increasing turbidity in the water."

"Catastrophic drift downstream - - - transported sediments"

My reply: Turbidity of sand will drift downstream when removing a raised gravel bank but:

when this gravel bank is left to close-in the width of a river making it narrower and/or shallower, this river current will flow faster and higher at this raised river bed site. When water level rise above the Erosion Point, "fine sediment" of top soil is released thereby creating a "catastrophic drift" of TOP SOIL "downstream".

So, the gravel mining will prevent a catastrophic Top Soil drift downstream!

University of Arkansas states:

3.) "Aggradation buries - - organisms"

My reply: The stream and river's sand and gravel sediment continues to move by swift currents of water. When mounds of gravel builds up and eventually close-in the river's width, the water raises and the water current speeds up. This movement inhibits plant and algae to attach themselves to the riverbed but also more nutrients are released into the water. Microorganisms grow on stationary river-beds as well as fast moving water. Many types of "*organisms*" also attach themselves to moving "*aggradation*"!

University of Arkansas states:

4.) "When gravel is removed - - during floods turbidity is higher than normal".
"channel deformation"

My reply: "When gravel is removed," this area will hold more water thereby slowing up the current and "turbidity" in that depend area. In all floods, aggregate turbidity is always moving down stream but where the gravel has been taken out down to the natural river bed, will help collect this sediment. Where there is raised

gravel mounds, “flood sediment” will collect on this water obstacle and enhance a channel deformation and erosion.

Brown, Kenneth and Curole, Jason 1993.

Effects of gravel mining and shell morphology

Louisiana State University states:

1.) “Gravel mining results in bank erosion” 2.) “- - mussels stranded in shallow meanders and pools - - that they choose to live in - - - but the pool level dries up as the river level drops.” “Gravel mining has evidently eradicated the mussels”.

My reply: Mussels live in sand or mud or are attached to rocks in shallow polluted water, page 3452 of Universal World Reference Encyclopedia, Library of Congress Catalog Card Number: 66-17303. Freshwater mussels are found in lakes, ponds, and streams in the central and southern United States. The Unionidae and Muteidae mussels during their early developmental stages are **parasitic on fish**. These mussel embryos are extruded into the water and become attached to and embedded in the gills and Fins of a variety of fish. In the edible mussel (*Mytilus eduli*, called the blue mussel, the eggs and sperm are shed into the water where fertilization takes place. In one and a half weeks it becomes an adult mussel. The embryo stays afloat for a month or so, held by a bubble held in a thread from a film in a good flow of clear water, page 1097, Encyclopedia Britannica, volume 15.

“These are a type of mussel that live in the raised gravel bed mounds but dies when the river level lowers”. Gravel mining out these high gravel beds will enable the river to hold a greater volume of water in a rain storm. By widening and deepening this raised gravel mound will lower the water level farther below the Erosion Line of the river bed inhibiting a likely erosion from a rain storm. This is how gravel mining prevents “bank erosion”! As gravel fills up a section of the river, the water becomes shallower. **Some** mussels “choose to live in this shallow places.” Mussels also live in the top part of the sand and gravel bed that is near the sides of the river bed/bank and also on the bottom of the river bed. So, by removing the raised gravel beds/banks will deepen these sections of built up gravel, the mussels won’t have this “raised section for pools of water to exist and later dry up”. This was stated in statements 1.) and 2.). So these type of mussels will congregate on the gravel beds located on the **side** of streams and rivers! So “gravel mining” will help stop the “eradication of these specific mussels”!

Summery

Morphology is a physical structure of geography or an organism. This word

is used to a physical/structural change in riparian areas of rivers, lakes, and swamp areas. Changing the morphology of the river/stream by the erosion of top soil, and the dying of mussels are the results of raised river/stream beds. Many of the expressed reasoning from the Sand and Gravel Briefing given on this Web Site are not founded! Bridge Engineers will tell you that sand banks build up on one side of a river will create a faster current on the opposite side that will wash out the land that supports that side of the bridge.

The gravel taken out in these raised river beds is a service to our county's environment. I believe that the sand and gravel river mining companies are doing us a service and should be given support in doing so. Because of the Texas County Land Use Plan, the elected County Commissioners is the authority of all rivers and streams in our county. The State Governor can give support to the Texas County's stream and river maintenance instead of the Texas County's gravel mining operators giving support to the State by paying money to them for a gravel mining permit tax! Your support will show the people in Texas County that our governor governs: "For the people and by the people". I request that you remove unfounded and unwarranted regulations off the register.

Sincerely,
Richard David Dellerman
8235 Hwy 17
Bucyrus, Texas County,
Mo. 65444

Speaker Card

Please identify the name of the speaker:

Robert L. Temper

Please identify the agenda item:

Proposed Sand Gravel Excavation
standards/rules

Do you prefer to speak (Circle One):

First

Middle

Last

Please state the question or comment:

Approve the rules and implement them
without further compromise.

Please implement them quickly - we have been
without rules for too long.

2 Pictures attached

THANK YOU

HEAD CUTS



ORIGINAL CHANNEL
SHAPE

CHANNEL
WIDENING



(1)
RECEIVED

MAR 26 2004

March 23-04

MISSOURI LAND
RECLAMATION COMMISSION

Mr. Larry Coen

In regard to your creek gravel mining. This will be like conservation planting multiflora Rose and turning atters loose after you don't like people get the gravel out of creeks and they flood and put the gravel on the good farm fields, then you will back track but it will be too late like multiflora Rose and atters. They may get the atters but the multiflora rose will be forever and getting thicker.

I'm also wondering why gravel can be taken from Potter Creek in Texas county but not from Beecher Creek also in Texas county? This is by regular rock people?

I was born and raised on Potter Creek, then moved and still lived on it till we moved and have lived on

Beller Creek for 44 years. We
 kept the gravel out of creek till they
 won't let any more in and a creek
 is to the point when we have a good
 flood the rock will be in our field
 and our field will be ruined,
 — Farm land is too precious to loose.

Sincerely

Mr + Mrs. Kenneth E. Smith
 13925 Hwy 60
 Cabot, Mo 65689

Let us manage the creek like
 we always have and no problems
 with it.

March 25, 2004

Larry Coen, Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

RECEIVED

MAR 29 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

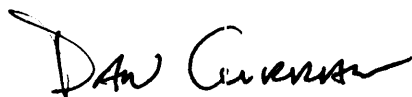
The citizens of Missouri have consistently supported efforts to retain the unique qualities of our streams. Rivers have a natural cycle of moving within their flood plain. The more we try to engineer our streams the more unnatural they become and as a result less predictable, less productive and less appealing. We saved the Meramec River from unnatural manipulation. Today it is a success story of leaving our natural streams be natural. One only has to look at Crooked Creek in Arkansas to see the effects of unregulated gravel mining. It has become a sterile, often totally dry scar where one of the most beautiful streams used to be. Instead of clear flowing water with native stream creatures like smallmouth bass it is now reduced to a series of muddy, stagnant holes dominated by carp. Do we want to see this happen in Missouri?

I wish to complement the commission on the proposed rules regarding sand and gravel excavation. While not perfect, I appreciate the work the commission has done on protection of the streams of Missouri. The two rules most important to us are those requiring buffers and a limit on the depth-of-excavation. The Department Of Natural Resources must be vigilant in its task of identifying and protecting endangered species. These standards will no doubt assist in that effort.

The proposed amendments have already been compromised through the committee and public hearings process. The proposed standards should not be further compromised by this process. Do not allow any further delay in implementation of these proposed amendments. We have gone long enough without real stream protection with adequate excavation standards.

Thank you for the opportunity to offer comments on the proposed amendments.

Remember our state motto is "Where the rivers run".



Daniel F. Curran
604 Rusholm Ct
Ballwin, MO 63021

Ozark Fly Fishers
P.O. Box 19753
St. Louis, MO 63144

RECEIVED

MAR 30 2004

MISSOURI LAND
RECLAMATION COMMISSION

March 20, 2004

Larry Coen, Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

On behalf of the Ozark Fly Fishers I wish to complement the commission on the proposed rules regarding sand and gravel excavation. While not perfect, we appreciate the work the commission has done on protection of the streams of Missouri. The two rules most important to us are those requiring buffers and a limit on the depth-of-excavation. The Department Of Natural Resources must be vigilant in its task of identifying and protecting endangered species. These standards will no doubt assist in that effort.

Claims by rules opponents that gravel must be "cleaned out" of our streams to prevent erosion have no basis. Manipulating gravel against stream banks is not an effective means of bank stabilization. Our neighbor state, Arkansas, has come to the realization that streams are too valuable to allow gravel mining and have taken much more strenuous approach to regulate these activities.

The proposed amendments have already been compromised through the committee and public hearings process. The proposed standards should not be further compromised by this process. Do not allow any further delay in implementation of these proposed amendments. We have gone long enough without real stream protection with adequate excavation standards.

Thank you for the opportunity to offer comments on the proposed amendments.



Ozark Fly Fishers
Robert L. Temper, Conservation Director

March 20, 2004

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MAR 31 2004

MISSOURI LAND
RECLAMATION COMMISSION

Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

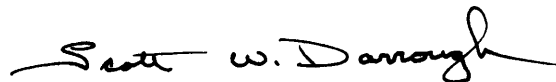
I appreciate the work of the commission on protection of the streams of Missouri as well as the commercial value of gravel in those streams.

Especially important are the two rules requiring buffers and a depth-of-excavation limit. From April 1995 to April 1997, the U.S. Army Corps of Engineers required that very similar rules be followed by gravel miners, who were economically viable during that time. Therefore, claims by rules opponents that excavation rules will regulate them out of the business are without basis. Furthermore, there have been no documented negative economic impacts to the Ozarks region or the mining industry as a result of those earlier voluntary guidelines. Adopting excavation rules would provide a foundation for fair competition among all commercial gravel miners.

Excavation rules should not be limited to commercial gravel miners. County highway departments are major excavators of in-stream gravel, and many exercise little restraint in how they conduct their excavation activities. Effective rules should hold the counties accountable to the same responsibilities that commercial miners will be held to.

The proposed amendments were reached through compromise and should not be further compromised. Please do not allow any further delays in their implementation.

Thank you for the opportunity to offer comments on these proposed amendments.



Scott W. Darrough
5712 Timberline Circle
Hillsboro, Missouri 63050

Rose and Mike Schulte
2842 Chadwick Dr.
Bel Nor, MO 63121

RECEIVED

MAR 31 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City MO 65102

Re: Stream Protections

Dear Mr. Coen

I am writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri. Regulations can be instituted that allow for mining to continue but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage. Specifically, I am in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. No commercial activity should be allowed to overwhelm the public need for a clean environment. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,

Mike Schulte
Rose Schulte

Linda L. Garrett

Texas County Assoc. Commissioner
10949 Prescott Road
Licking, MO 65542
W: (417) 967-3222 / H: (573) 674-3756

March 15, 2004

Governor Bob Holden
201 West Capital Avenue
Jefferson City, MO 65101

Re: Integrity of Department of Natural Resources

Dear Governor Holden,

I'm sure you are aware that the Land Reclamation Commission has placed proposed In-Stream Sand and Gravel Mining Regulations on the Missouri Register, these regulations are to replace present In-Stream Sand and Gravel Mining Guidelines. This is something the Department of Natural Resources has been trying to do for years and they have worked extremely hard on this in the last three years. They have held various hearings and meetings on this issue in the last three years. I have attended most of these hearings and meetings. They have received very strong opposition in changing these guidelines into regulations at each hearing and at each meeting. The Land Reclamation Commission received a resolution from the County Commissioners Association of Missouri and the Missouri Farm Bureau in opposition to the change. They also received many oral and written comments opposing changing these guidelines into regulations from state senators, state representatives, land owners, sand and gravel mining operators, property right groups, concrete producers and etc. Now to be fair I must state the commission also received comments from different environmental groups and state agencies in support of the change.

DNR has put out more written material on this issues than the average person has time to read. They have shown many so called studies on this issue. Most of these studies were done in other states and even other countries. Their studies can be proven unrealistic for some of Missouri's streams, especially in the Missouri Ozarks streams.

I was asked by DNR to sit on a workgroup they formed to discuss this issue, I attended every workgroup meeting in Jefferson City over the course of four months. At every one of these meetings, the majority of the members in this workgroup stated time and time again they were against changing these present guidelines into regulations. At every meeting, the DNR representative leading these meetings made it clear to all members of the workgroup that we were not there to make rules or regulations, we were there to discuss the language in the proposed regulations. At one meeting she stated if we did not want to discuss the language of the proposed rules, we could leave. I feel this was a well planned trap on DNR's part for the opposing workgroup members. This was one of those darn you if you stay and darn you if you leave situations. The majority of this group were against changing these guidelines into regulations but we also knew if we left, the remaining workgroup members would make decisions that would devastate our Missouri streams, not to mention all the negative economic impact some

of their decisions could have on our counties and the entire state of Missouri. Although, we did continue to be part of this workgroup, we insisted on a vote of this group on whether these guidelines should be changed into regulations and the majority voted **NO**.

Here is why I question the integrity of the Department of Natural Resources. I now go to the DNR web site and read a five page report that has obviously been sent to the Land Reclamation Commission stating how this workgroup worked to **make** these rules and how we all agree to the language in these rules. This report is full of false statements and I feel it is completely trying to mislead the Commission and the general public. One statement in this report states the gravel mining operators (who were also part of this workgroup) said these regulations would not cost them any additional expense. This is an out right lie, I as well as many others were at these meetings and heard the operators state it would drastically increase their cost and that they would have to pass this cost to their consumers. It was stated many times during these meetings that these regulations would have a very negative economic impact for all of Missouri. This would particularly affect an already tight MO-DOT budget. This would affect the cost of commercial and residential construction including any new government buildings. DNR has been asked numerous times to complete both an environmental and an economic impact study. I feel it is another lie or at the least a misleading statement when they state in the register that these regulations will not have an increase cost of over \$500.

The state of Missouri already has some agencies that the public feels has lost their integrity, accountability and right down common sense and I feel DNR is the next one on their list.

I feel as our Governor you need to be aware of this issue. You need to know many citizens in Missouri are losing trust in these appointed agencies that do not listen to our state or county elected officials. These state agencies will not be held responsible when our streams are full of sand and gravel and are cutting away our farm land. They can simple say we made a mistake, when canoes can no longer float our streams or fish can no longer live in these streams. These agencies will not be held accountable for the rising cost that their regulations have placed on the citizens of Missouri.

As Governor of this great state, I feel you have an obligation to the citizens of Missouri to bring integrity back to our state agencies. If you look on the DNR web site it has right at the top of their page "Integrity and excellence in all we do". I'm from Missouri, SHOW ME!!!

Sincerely,



Linda L. Garrett
Texas County
Associate Commissioner

STATE OF MISSOURI Bob Holden, Governor • Stephen M. Mahfood, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

APR 5 2004

The Honorable Linda L. Garrett
Associate Commissioner
Texas County
10949 Prescott Road
Licking, MO 65542

Dear Commissioner Garrett:

The Governor received your letter dated March 15, 2004, regarding the in-stream sand and gravel mining proposed rules for commercial operators and asked me to respond to you regarding the issues you raised. You raised concerns relating to the past activities of the rules workgroup and the final rule recommendations adopted by the Land Reclamation Commission (LRC) in May of 2003. I hope I can address those concerns.

Your statements are correct that many comments have been received over the past three years regarding our efforts to promulgate the existing guidelines into rules. You are also correct that a great volume of written materials have been made available to the public on this topic. This effort was taken to make the process open and widely known to all parties who have an interest in stream protection, especially as it relates to sand and gravel mining.

I appreciate the time you and all the other workgroup members took from your schedules to participate in the workgroup meetings. It is, however, disappointing that you characterize the process as "a well planned trap on DNR's part." The process was lengthy, time consuming and at times difficult and arduous; however, we accepted the task in the spirit of making certain that every participant had opportunity to make known their views on the issues. You utilized that opportunity both during the process and in your March 15 letter. The viewpoints and desires of the participants were so varied that any resulting rule was expected to disappoint someone. Your disappointments are noted.

In looking at the roster of the workgroup, I could see that it was diverse, with approximately 50 percent of the members representing business and 50 percent environmental or stream user interests. State and federal staff were also in the workgroup to provide technical support. The

Integrity and excellence in all we do



The Honorable Linda L. Garrett
Page 2

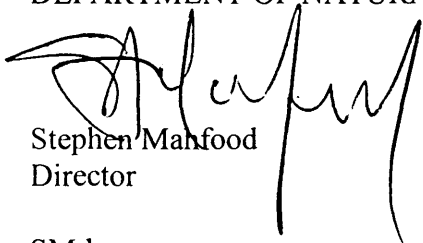
facilitator had a difficult task to keep the workgroup focused on their assignment; no trap was ever set for anyone. The industry was well represented in the group, and they do not share your viewpoint that these rules will significantly increase their costs for gravel extraction.

As you know, the process of developing this set of proposed rules has been a difficult and emotional process. I am acutely aware of interests on all sides of the issue and appreciate above all the ideal of implementing reasonable regulations while at the same time allowing for economic activity. I appreciate your participation on the workgroup. Without its diversity, the strength of our policy decisions would be weakened.

If you have any further comments or questions regarding the status of the final rule, please contact Mr. Larry Coen or Mr. Mike Larsen with the Land Reclamation Program at (573) 751-4041. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

A handwritten signature in black ink, appearing to read 'Stephen Mahfood', is written over the printed name and title.

Stephen Mahfood
Director

SM:lcs

c: Ms. Alice Geller, MDNR
Mr. Larry Coen, LRP, MDNR
Land Reclamation Commission

Len Meier
322 Crystal Brook Court
Lake St. Louis, MO 63367

April 3, 2004

Larry Coen, Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 9 2004

MISSOURI LAND
RECLAMATION COMMISSION

Dear Mr. Coen:

I'm writing to urge you to adopt the February 2004 Proposed Rules for Gravel Mining. I am pleased to see that DNR is continuing to work toward improved regulations of mining activities. In-stream gravel mining is extremely harmful to stream life, riparian vegetation and stream structural integrity. It should be strictly regulated on all streams and completely prohibited in some pristine waters.

While I support the proposed rules, I feel that they need strengthening in several areas and urge you to work on these in the future. My primary concern is the damage done to streams by local governments. County road commissions and other local government entities remove a lot of gravel would not be regulated by the proposed rules. These entities must be regulated identical to commercial operators. In fact, local and county governments often do the most damage to local streams. I urge you to add these entities to these, or future rules. In addition, there were proposals last year to exempt operators who remove less than 5000 tons per year. This is ridiculous. All commercial operations should be exempt. Only gravel removed for home use should be exempt.

I have seen so much damage done to Missouri streams and to the surrounding lands by poor mining practices. It is imperative that LRP adopt the proposed regulations to protect our streams and the biological, social and economic values that they provide all Missourians.

Thanks for your attention to this issue.

Sincerely;


Len Meier

RECEIVED

APR 6 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen, Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Dear Mr. Coen:

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Thanks for your attention to this issue.

Sincerely;



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APR 6 2004

MISSOURI LAND
RECLAMATION COMMISSION

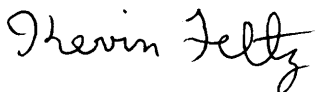
April 4, 2004

Staff Director
Land Reclamation Program
PO Box 176
Jefferson City, MO 65102

Dear Sir:

I wish to comment on the proposed amendment to Chapter 10- Permit and Performance Requirements for Industrial Mineral In-Stream Sand and Gravel Operations (**10 CSR 40 10.020 & 10.050**). Though I would prefer tougher restrictions on this activity, I find the proposed amendments, as presented, an acceptable compromise and support their adoption.

Sincerely,



Kevin Feltz

Enclosed for the Missouri Land Reclamation Commission are two copies of a letter from the Missouri Department of Natural Resources, dated April 1, 2004, regarding the proposed amendment to Chapter 10- Permit and Performance Requirements for Industrial Mineral In-Stream Sand and Gravel Operations (10 CSR 40 10.020 & 10.050). The letter is being forwarded to you for your review and comment. The letter is being forwarded to you for your review and comment. The letter is being forwarded to you for your review and comment.

Linda L. Garrett

Texas County Assoc. Commissioner
10949 Prescott Road
Licking, MO 65542
W: (417) 967-3222 / H: (573) 674-3756

March 25, 2004

Re: Proposed In-Stream Sand & Gravel Regulations

To the attention of Land Reclamation Commission:

I come before the Commissioner representing the Texas County Commission and the citizens of Texas County, which as you are aware of is Missouri's largest county.

I am requesting that the Land Reclamation Commission withdraw the proposed In-Stream Sand and Gravel Mining Regulations from the Missouri State Register.

I am requesting this for the following reasons:

1. The Land Reclamation Commission nor DNR has complied with the Texas County--State of Missouri Land Management Plan (Section LD 4 , WR2 &WR3). As I have stated many times before this Commission, the federal government gives counties the authority to adopt such a land management plan to protect our counties from harmful regulations.
2. DNR has not completed the required economic impact study before placing these proposed regulations on the State Register. They simple made an unproven statement that the added cost to public or private sectors would be less than \$500.00. The court cases alone if these regulations are not removed from the register will surpass \$500.00 for both public and private sectors.
3. Although DNR has supplied this Commission with their theories of improper ways of mining sand and gravel. These theories are just that and have not been proven. On the contrary there are sights in Texas County that can be proven that great damage has been caused to farmland, county roads and have threaten a state highway because gravel was not removed .
4. DNR has furnish false and misleading reports to the Land Reclamation Commission. I submit to this commission a 5 page report that was completed by DNR which contains many false and misleading statements. I sat on the workgroup referred to in this report and I am very disturbed with what this report is trying to indicate.

Time does not allow me to read this report to you but I have highlighted the false and misleading statements and I request that you read them carefully. When members of this workgroup read a report that we know is a lie, how can we believe other reports that have been prepared by DNR and other state agencies?

I am also submitting a letter I wrote to our governor . In this letter I stated how citizens of Missouri believe many of our state agencies have lost their integrity, accountability and right down common sense and I feel DNR is the next agency on their list.

I want thank you for giving me time to address this issue and once again I respectfully request that you remove the proposed "In-Stream Sand & Gravel Mining Regulations" from the state register.



Linda L. Garrett

Texas County Associate Commissioner

Copies of all material I have given to the Land Reclamation Commission at this March 2004 meeting is being sent to the following:

U.S. Senator Jim. Talent
U.S. Representative Jo Ann Emerson
U.S. Attorney John Ashcroft
Missouri State Senators & Representatives
Missouri Association of Counties
County Commissioners Association of Missouri

Sand and Gravel Rulemaking – November 2003

Rulemaking Report

- **What is the purpose of the rule or rule amendment?**

Sand and gravel mining is a highly emotional issue with diverse opinions on whether or not such mining should even be allowed, and if so the right way to accomplish it. The Missouri DNR Land Reclamation Program is charged with permitting, inspecting and releasing operators throughout the life of their sand and gravel permit activities. The agency needs to be consistent, fair and impartial in performing these tasks, and therefore needs standards by which to provide implementation. While there is some disagreement about whether or not such mining in Missouri streams should be allowed, there is general consensus that fair and consistent standards are needed. The purpose of this rule is to set a standard by which Missouri streams will be protected while extracting sand and gravel resources from the stream environment.

- **What authority does the department exercise to carry out this rulemaking?**

The authority for the department and the Land Reclamation Commission is found at 444.530 RSMo.

- **What does the rule require and how does it produce environmental benefits?**

The rule requires that operators stay out of the flowing water of a stream so that aquatic life is not disturbed, nor will the stream dynamics of the water movement be altered. Also the rule requires that the protective bank vegetation will be left in tact to aid in the control of erosion of the adjacent lands during high water events.

There are times an operator must get into a stream to save a low-water bridge or to reach a gravel bar in the middle of a stream.

- **Are there other effects (positive or negative) that may accompany the rulemaking?**

Once these standards are in place throughout the mining industry, the department will be able to begin to measure the effects of mining on streams. A few years of this data that will be available after all operators apply the same standards of protection will help to determine scientifically how to amend the standards of stream protection in the future.

They claim to know gravel mining is causing damage to our streams.

- **What would happen without the rulemaking? (short and long term consequences)**

Short Term:

The department and the industry have already experienced the effects of not having rules that outline stream protection standards. The industry has given testimony in both legislative and public hearings stating that operators currently have a variety of stream protection targets, depending on when their permit was issued, which inspector reviewed the application, comments from landowners and the public, etc. The industry prefers that stream protection standards be written into rule so that all operators have the same expectations of stream protection, and so that when new sites are contemplated, the operator knows up front what the stream protection goal will be and how to implement it.

This is not true, many operators have told me and have stated at meetings that they do not want regulations replacing the present guidelines. Some operators feel threatened by DNR.

unknown, means not known but They continue to state damages from gravel mining. Gravel mining has been done for years without any permanent damage or as stated unknown

Long Term:

Today it is unknown what the effects of sand and gravel extraction from the stream environment will be. We have seen many sites where there are no apparent effects, yet some sites have resulted in permanent damage to streams, such as head cutting, bank destabilization, and downstream sedimentation. The desire for the long term is that proper and consistent stream protection will leave Missouri streams in tact for future generations to enjoy.

- Are there other ways these benefits could be obtained? (and why they were not chosen)

There are no federal rules regarding stream protection standards, although there are provision of the Clean Water Act that do apply to degradation of streams. The US Army Corps of Engineers originally implemented sand and gravel regulation, based on that Act. However, a federal lawsuit in the late 1990's terminated the COE jurisdiction to perform this function.

This has already been lost in federal court.

Missouri could have implemented protection of its own through the Clean Water Act; however, the decision was made to regulate this activity through the Land Reclamation Act, since it is a mining activity.

For some time, sand and gravel mining has occurred without specific stream protection standards. The results of this have not been satisfactory to many groups because of the inequitable way that sites are regulated, because operators often do not know how to extract the gravel and protect the streams in the process, and because legal actions require specific standards by which careless actions must be judged.

The present guidelines should be enough stream protection.

Some comments have been made that landowners will ensure stream protection, and therefore rules are not needed. Landowners are indeed often the best stewards of the state's resources. However there have been many occasions in which landowners have been victims of extremely poor extraction practices and the damages that have occurred to streams in these cases have been devastating.

It was stated by DNR at a work group meeting that it could not be proven the damages were caused by gravel mining.

The Land Reclamation Commission, the Department and all the members of the stakeholder workgroup came to a majority consensus to write these stream protection standards into rule.

This is an outright lie. The majority voted to stay with present guidelines.

- Who is affected by the rulemaking? (who will bear the requirements and get the benefits)

Commercial operators who extract and sell sand and gravel will be subject to this rulemaking.

Landowners who extract the product for their own use and local governments who extract product with their own equipment are both exempt by statute. This rulemaking will not impact their exemptions.

Another lie, even if they do not have to get a permit, they would have to go by the regs. or be fined. This is encroachment on property rights.

Landowners and the public at large will benefit from standards of stream protection that will be implemented throughout the sand and gravel extraction industry. The operators themselves will also benefit by having published standards by which they can plan their business operations. They will not need to negotiate standards in order to make plans.

This is a statement that has not been proven.

- **How much will the rulemaking cost?** (private and public sector costs, even if federally required)

The operators were part of the process of crafting the language of this rulemaking. They publicly explained to the Land Reclamation Commission that this language would not add to their cost of mineral extraction. Likewise, there are no anticipated costs to public agencies.

During The Workgroup meetings operators repeatedly stated this would add additional costs to their operations.

- **Does the rulemaking have any effect on state revenue?** (how and how much.)

No, there are no changes to fees or costs by this rule to the state of Missouri. *These regs. will take more paperwork for both DNR + operators plus the extra cost in enforcing them.*

- **Why is the rulemaking being proposed now?** (the circumstances that brings about this action now.)

The jurisdiction to regulate sand and gravel mining by the Corps of Engineers was halted in 1998. In 1999 the Land Reclamation Commission first discussed the need for stream protection standards, and the first efforts to write these standards occurred in 2000. Between 2000 and 2003, the department has met numerous times with the public to discuss proposed rules. In late 2002 and early 2003, a workgroup appointed by the Land Reclamation Commission met monthly to craft these proposed rules. The Land Reclamation Commission voted in May of 2003 to use this language to formalize the stream protection standards into rule, and that brings us to this proposed rulemaking at this time.

To Craft means to make + this workgroup did not make these rules.

- **Who was involved in developing the rule?** (stakeholders, commissioners, citizens, organizations and any others that have had opportunities for input, review or other aspects of the rulemaking.)

Again we can not make rules and The majority was against these rules

The workgroup appointed by the Land Reclamation Commission to draft these rules were the following members:

Senator John Russell

Senator Sarah Steelman

Ms. Linda Garrett - Texas County Commission

Ms. Wilma Jeanne Urban - Texas County Planning Commission

Mr. Charles "Bud" Dean - Phelps County commission

Mr. Max Aubuchon - Gasconade County commission

Mr. C. Russell Wood - Ozark Property Rights Congress

Mr. Riley Godfrey - Private Landowner

Mr. Ron Hardecke - Private Landowner - Gasconade county

Mr. Bob Parker - Texas County Farm Bureau

Mr. Charlie Davidson - Private Landowner

Mr. Russ Andrews - Private Property Owner

Mr. Chuck Tryon - Private Landowner, US Forest Service (Retired)

Ms. Carla Kline / Ms. Cynthia Andre - Sierra Club

Ms. Becky Denney - Missouri Stream Team Volunteer

Mr. Al Agnew - Missouri Smallmouth Bass Alliance

I attended every workgroup meeting + I know what was said + done at these meetings.

Mr. Spencer Turner - Ozark Council, Trout Unlimited
 Mr. Robert Temper - Ozark Fly Fishers
 Mr. Steve Gough - American Fisheries Society (Missouri Chapter)
 Ms. Kim Dickerson - Associated Electric Cooperative
 Mr. Ted Heisel - Missouri Coalition for the Environment
 Mr. Randy Scherr - Mining Industry Council
 Mr. Mike Manier - Houston Redi-Mix
 Mr. Mike Yamnitz / Ms Brenda Roling - Missouri Concrete Association, Inc.
 Mr. Travis Morrison - Stewart-Morrison Redi Mix
 Ms. Jane Martin - Scott's Concrete, Inc.
 Ms. Cindy Peterson / Mr. Gary Peterson - Peterson Sand & Gravel Company
 Mr. James Schupp - Lake Ozark Sand & Gravel Company
 Mr. Ray Bohlken - Capital Sand Company
 Mr. Tom Beard - U.S. Geological Survey
 Ms. Suzanne Femmer - U.S. Geological Survey
 Mr. Rick Hansen - US Fish & Wildlife Service
 Mr. Louis Clarke - US Army Corps of Engineers
 Mr. Bob Ziehmer - Missouri Department of Conservation
 Mr. Michael Roell - Missouri Department of Conservation
 Mr. Bill Turner - Missouri Department of Conservation
 Ms. Mimi Garstang - Land Reclamation Commission
 Ms. Kara Valentine - Department of Natural Resources, Legal Counsel
 Mr. Scott Hamilton - Water Pollution Control Program (DNR)
 Mr. Tom Cabanas - Land Reclamation Program (DNR)
 Mr. Mike Larsen - Land Reclamation Program (DNR)

*IT was voted by the workgroup
 That These people would not vote
 on anything because they were
 fed & state employees.*

During public meetings before the Land Reclamation Commission, representatives from the industry, the concerned environmental organizations, public citizens, members of the legislature and their staff, representatives of public agencies and landowners were all given opportunities to comment about the rules. Everyone who wished to comment was given the opportunity to do so either in person, in writing or as a member of a commenting organization.

- **How has the development of the rule been shared with interested parties and the public at large?**

The Missouri Land Reclamation Commission, assisted by the Missouri Department of Natural Resources, worked with various stakeholders from 2001 to 2003 to review all the issues related to sand and gravel mining, and to come to consensus about stream protection standards that should be implemented by rule. This culminated in the currently proposed rules by way of a vote of the Land Reclamation Commission in May of 2003, and with verbal concurrence of each stakeholder group represented throughout the process. While selected individuals may not have been in agreement, spokespersons for each of the groups involved committed their assent to the current proposed rules.

*This is untrue the majority of the workgroup
 were against any regulations for in-stream gravel
 mining. The changes in the wording was meant for
 changes in the wording of the present guidelines*

- What information was used to prepare the rulemaking? (type, qualities and sources of information)

This scientific background is unproven & can be proven false.

Throughout the rule workgroup process, much discussion was held regarding the scientific background for the need to protect streams from the effects of sand and gravel extraction. All available research studies and supporting documents were collected and provided to the Land Reclamation Commission to aid in their ability to make an informed decision. This was presented in a binder with three sections.

The first section referenced research completed by the US Geological Survey in which the economic benefits of gravel extraction were compared with the costs of environmental protection, the changes in streams were documented as a result of mining practices, various types of stream damages were investigated as a result of mining, and some analyses of aquatic habitats were discussed. *Remember The unknown affects mentioned early.*

The second section referenced research completed in Missouri, principally by the Missouri Department of Conservation and the Missouri Department of Natural Resources. This research disclosed the damages that can occur in streams as a result of mining, along with discussions of how to best avoid causing these damages. There were also notes taken from various stakeholder meetings to document the concerns and thoughts of Missourians with interest in this topic. There were a total of four meetings held in various locations around Missouri in 200, four meetings of the workgroup appointed by the Land Reclamation Commission in 2002 and two more formal hearings on the topic at commission meetings. *This is misleading at the least.*

This does not mention the expert witnesses that spoke at meetings stating negative affects by not removing gravel

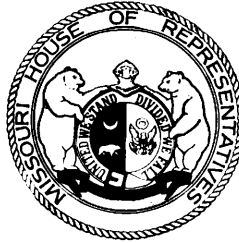
The third section provided references to research completed in other states, with similar concerns and documented affects of the mining of sand and gravel from streams.

None of the research truly quantified stream protection measures. For instance, most references that included discussions about buffer zones emphasized the need for buffers but did not suggest the appropriate size of a buffer. Also references that discussed headcutting and bank destabilization did not specify what depth of mining would be protective of these damaging results. Clearly, streams must be protected or the adverse affects of mining will impair Missouri streams. The question of how to create stream protection standards and how to measure them was only determined through negotiated stakeholder workgroup sessions. The current proposed rules are that product of stakeholder consensus.

Again no proven affects. unknown

This is another lie

CAPITOL OFFICE
State Capitol - Room 317B
201 West Capitol Avenue
Jefferson City, MO 65101-6806
Tele: 573-751-2205
Fax: 573-526-9840
E-Mail:
van.kelly@house.mo.gov



DISTRICT ADDRESS
Route 2, Box 518
Norwood, MO 65717
Tele: 417-746-2120

MISSOURI HOUSE OF REPRESENTATIVES
VAN KELLY
State Representative
District 144

RECEIVED

APR 22 2004

Land Reclamation Commission
P.O. Box 176
Jefferson City, MO 65102

MISSOURI LAND
RECLAMATION COMMISSION

RE: Proposed In-Stream Sand and Gravel Regulation
To the Attention of the Land Reclamation Commission;

I am requesting that the Land Reclamation Commission withdraw the proposed In-stream Sand and Gravel Mining Regulations from the Missouri State Register. I hope that you will use common sense in important matters such as these. In my district we have a lot of streams are not the same as streams in other parts Missouri. My counties are not going to lay down on this issue. We have many narrow streams that are being choked with gravel now and with the way the land lies around these streams it is impossible to have a 10 foot buffer, let alone the proposed buffers. Excessive gravel in our streams cause damage to our low water bridges. As a landowner adjacent to some of these streams, I do not object to an operator or myself from recovering this unwanted gravel, but I do object in using their or my land for unnecessary buffers. There are many factors associated with not removing gravel from our streams in southern Missouri.

1. Loss of farmland because gravel filled streams force the water to cut away banks.
2. Cost of replacement for low water bridges.
3. Loss of tourism because we can no longer float or fish in our streams.
4. Flood damages caused by gravel-choked streams.
5. Loss of private property rights.
6. These proposed regulations will cause costs to rise for highway, bridge, residential, and commercial construction.

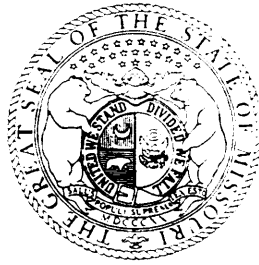
I hope you will come down and see what happens when this gravel is not removed.

As a representative, I cannot stand by and let these things happen without voicing my concerns. As an elected official, I want to work with all state agencies, but I must also represent the citizens in my district. We, as farmers, can and will, take care of our land better than anyone else. I don't see where the rural people are telling the urban areas or cities what to do on their property. I ask you to take a look and remember its people that you're dealing with and their livelihood.

Sincerely,

A handwritten signature in black ink that reads "Van Kelly". The signature is stylized with a large, sweeping "V" and a cursive "Kelly".

Van Kelly
State Representative
District 144



Gerald W. Jones
Presiding Commissioner

Rodney Miller
Clerk of Commission

Larry L. Bock
1st Dist. Commissioner

Donna Burk
Administrative Assistant

Joe F. Gambill
2nd Dist. Commissioner
April 15, 2004

COUNTY COMMISSION
Cape Girardeau County, Missouri

RECEIVED

APR 19 2004

**MISSOURI LAND
RECLAMATION COMMISSION**

Land Reclamation Commission
1738 E. Elm Street
P.O. Box 16
Jefferson City, MO 65102

Dear Commission,

RE: In-Stream Sand and Gravel Mining Regulations

The Cape Girardeau County Commission would like to state our opposition to changing the above named regulations.

Our objection to these proposed regulations are not just an attempt to keep from having more regulations because there are situations where we need regulations, but this is not one of those circumstances. These proposed regulations will not improve our streams. They will potentially cause harm, plus causing so many other negative affects on our rural areas.

It is our opinion that our streams are suffering now with the present guidelines and they may be ruined with the proposed regulations.

I'm aware that DNR has stated that county government is exempt from obtaining a permit, but that would just be a matter of time.

Sincerely,


Gerald W. Jones,
Presiding Commissioner

CC: Senator Peter Kinder
Representative Scott Lipke
Commissioner Don Shelhammer, Texas County

CC: Representative Rob Mayer
Representative Jason Crowell

Cape Girardeau County Commission
1 Barton Square
Jackson, Missouri 63755
(573) 243-1052
FAX: 204-2493

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APR 16 2004

**MISSOURI LAND
RECLAMATION COMMISSION**

March 20, 2004

**Staff Director
Land Reclamation Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176**

Re: Proposed amendment to sand and gravel operations regulations

Dear Commissioners;

I appreciate the efforts of the commission on balance of the proposed excavation standards between protection of the streams of Missouri and the commercial value of gravel in those streams.

Fishing and other stream-based recreation are economically important activities in Missouri. Stream fishing alone accounted for \$170 million in direct expenditures in 1996. This figure does not include the additional economic activity generated by swimmers, canoeists, hunters, and other stream users.

The proposed amendments are a minimum protection to stream resources and should not be further reduced. Please do not allow any further delays in their implementation.

Please complete the process as soon as possible to protect the resources of the state. Thank you for the opportunity to offer comments on the proposed amendments.

**Fred Darrough
5712 Timberline Cir
Hillsboro MO 63050-2316**

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: Stream Protections

Dear Mr. Coen:


I am writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri.

Regulations can be instituted that allow for mining to continue but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent the handful of bad actors from causing excessive damage.

Specifically, I am in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, I support a buffer of 100 feet along the "highbank" of stream to protect riparian vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, I urge you to adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful Ozark streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property. Thank you for considering my comments.

Sincerely,


Signature

GRACE G. ARTA
Print Name

3336^A GREENWOOD
Print Address

ST. LOUIS MO. 63143
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

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Dear Mr. Coen:

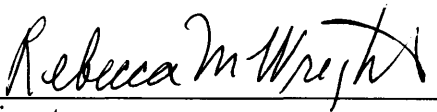
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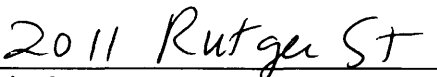
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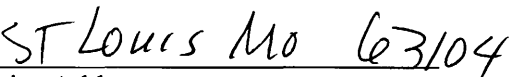


Signature

REBECCA M. WRIGHT



Print Name



Print Address

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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APR 23 2004

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RECLAMATION COMMISSION

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Sincerely,


Signature

Beatrice Buder Clemens
Print Name

100 Arundel Place
Print Address

St. Louis, MO 63105
Print City, State, Zip

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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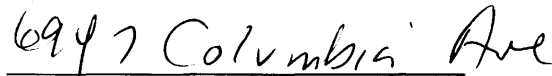
Sincerely,



Signature



Print Name



Print Address



Print City, State, Zip

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APR 23 2004

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RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
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Sincerely,


Signature

Pamela H. Todorovich
Print Name

8 Fair Oaks
Print Address

St Louis Mo 63124
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

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Sincerely,



Signature

Michael Schulte

Print Name

2942 Chadwick Dr.

Print Address

Bel Nor, MO 63121

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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Sincerely,

Christopher W. Rowley
Signature

Christopher W. Rowley
Print Name

2130 Victor Street
Print Address

St. Louis, MO, 63104
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: Stream Protections

Dear Mr. Coen:

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Sincerely,

Ralph Wafer

Signature

Ralph Wafer

Print Name

4425 Laclede Ave.

Print Address

St. Louis, MO 63108

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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MISSOURI LAND
RECLAMATION COMMISSION

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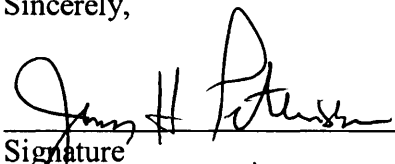
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Sincerely,


Signature

James Peterson
Print Name

3957 Hopewell Rd
Print Address

Wentzville MO 63385
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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APR 23 2004

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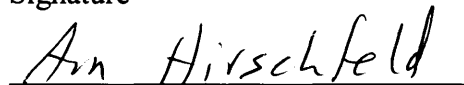
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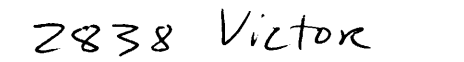
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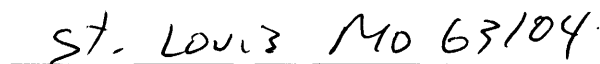
Signature



Print Name



Print Address



Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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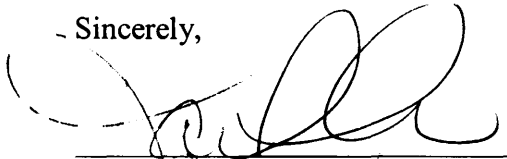
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- Sincerely,


Signature


Print Name


Print Address


Print City, State, Zip

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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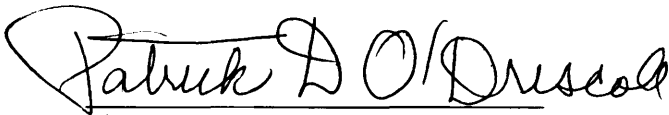
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Sincerely,



Signature

PATRICK D. O'DRISCOLL

Print Name

449 Ivy Wood Drive

Print Address

Ballwin, MO 63011

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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Sincerely,

John Kintree
Signature

John Kintree
Print Name

4543 Deloit Street
Print Address

St. Louis, MO 63116
Print City, State, Zip

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Re: Stream Protections

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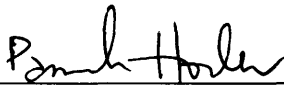
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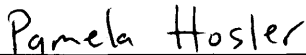
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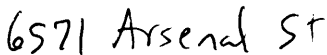
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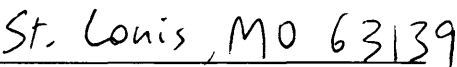
Signature



Print Name



Print Address



Print City, State, Zip

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APR 23 2004

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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RECLAMATION COMMISSION

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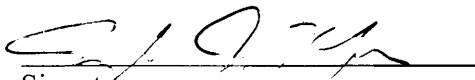
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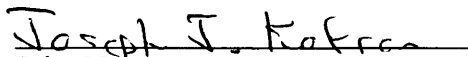
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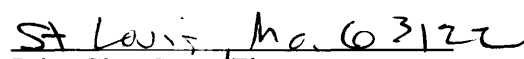
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Signature


Print Name


Print Address


Print City, State, Zip

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Missouri DNR
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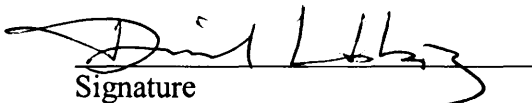
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Sincerely,


Signature

David Lobbig
Print Name

2030 Del Norte Ave.
Print Address

St. Louis, MO 63117
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: Stream Protections

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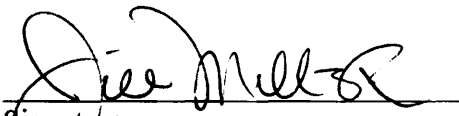
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Sincerely,


Signature

Jill Miller
Print Name

3877A McDonald Ave
Print Address

St. Louis, MO 63116
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 23 2004

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RECLAMATION COMMISSION

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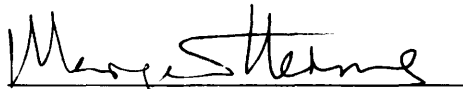
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Sincerely,


Signature

MARGARET HERMES
Print Name

6107 KINGSBURY
Print Address

ST LOUIS MO 63112
Print City, State, Zip

RECEIVED

APR 23 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

Re: Stream Protections

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Sincerely,

Diane Albright
Signature

Diane Albright
Print Name

1438 Timberbrook Dr.
Print Address

Kirkwood, MO 63122
Print City, State, Zip



of MILLER COUNTY
P.O. Box 12 Tuscumbia, MO 65082

RECEIVED

April 21, 2004

APR 23 2004

Land Reclamation Commission
1738 E. Elm Street
P.O. Box 16
Jefferson City, Mo. 65102

MISSOURI LAND
RECLAMATION COMMISSION

Dear Sirs:

We would like to respectfully register our opposition to the proposed regulations in regard to the In Stream Sand & Gravel Mining Guidelines. Our objections to these proposed regulations are not just attempts to preventing regulations per se, we all know there are circumstances where we need regulations but this is not one of those circumstances. These regulations will not improve our streams and in fact will harm them plus having so many other negative effects are not needed regulations.

Rural Missouri has suffered many negatives effects over the past few years. Things have been allowed to happen without any type of impact studies and in some cases insufficient studies. As elected officials, we want to work with all state agencies but we must also represent the citizens of our counties.

The custom for years in southern counties before the present guidelines were established was to remove gravel and our streams did not suffer from the removal. Our streams are suffering now with the present guidelines and they will be ruined with the proposed regulations. There are many factors associated in not removing gravel from streams in southern Missouri. (1) Loss of farm land because gravel filled streams force the water to cut away banks, (2) cost to replace low water bridges, (3) loss of tourism because they can no longer float or fish in our streams, (4) flood damages caused by gravel choked streams, (5) loss of private property rights and (6) all of these things will cause a negative economic impact. These proposed regulations will cause rising costs for highways, bridges, residential and commercial constructions.

DNR states that the proposed regulation would not affect landowners or government entities and that they are exempt from obtaining a permit. While at the present time they may be exempt from obtaining a permit, DNR can still issue them a violation notice if they do not remove gravel according to the proposed regulations. So, the fact is they are affected by these regulations. It has been mentioned by the people wanting these regulations that it is not fair that landowners and government entities do not have to obtain a permit, so we believe it would only be a matter of time before they would also need permits.

Sincerely

Miller County Commission

Tom Wright
Presiding Commissioner

John Klindt
1st Dist. Commissioner

David Whittle
2nd Dist. Commissioner

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 26 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: In-Stream Sand and Gravel Mining Regulations

Dear Sir:

I support the proposed rules as they were published in the "Missouri Register" on February 2, 2004. I urge the Land Reclamation Commission to adopt both 10 CSR 40-10.020 Permit Application Requirements and 10 CSR 40-10.050 Performance Requirements as printed.

The adoption of these rules for commercial operators will minimize negative effects of in-stream sand and gravel mining to the streams of Missouri. These rules are important but very minimal standards which have been compromised over a number of years from proposed regulations agreed upon by industry, professionals and environmentalists. For instance, the 10-foot width for an undisturbed buffer between the excavation area and water's edge in #2 of the Performance Requirements was proposed as a 20-foot buffer several years ago to protect the stream channel. The now proposed undisturbed buffer of 25 feet in #3 landward of the high bank was originally 100 feet which would have done a better job of protecting riparian vegetation. A restriction on mining below one-foot above the water level is a better rule to protect the streambed.

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

Patrick J. Morris
Signature

PATRICK J. MORRIS
Print Name

6324 SAN BONITA
Print Address

CLAYTON, MO 63105
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

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Sincerely,


Signature

Wayne Miller
Print Name

100 Graesser Acres
Print Address

St. Louis MO 63146
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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APR 26 2004

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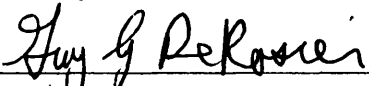
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Sincerely,


Signature

Guy J. DEROSIER
Print Name

9216 SHORTRIDGE
Print Address

ROCK HILL MO 63144
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 26 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: In-Stream Sand and Gravel Mining Regulations

Dear Sir:

I support the proposed rules as they were published in the "Missouri Register" on February 2, 2004. I urge the Land Reclamation Commission to adopt both 10 CSR 40-10.020 Permit Application Requirements and 10 CSR 40-10.050 Performance Requirements as printed.

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Reasonable requirements for depth of mining, placement of hazardous materials, protection of endangered species and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years. However, they will prevent a handful of bad actors from causing excessive damage to fish and wildlife habitat, damage to recreational resources, public infrastructure and private property.

I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

Erlene Rider
Signature

Erlene Rider
Print Name

2171 Farmcrest Dr.
Print Address

Arnold, Mo. 63010
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

P. McNeer Dillon

Signature

P. McNeer Dillon

Print Name

7058 Lindell Blvd

Print Address

University City, MO 63130

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

Toni Armstrong
Signature

Toni Armstrong
Print Name

13204 Weatherfield
Print Address

St. Louis, MO 63146
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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APR 26 2004

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,



Signature

DANIEL TALONN

Print Name

8336 CORNELL AV.

Print Address

ST. LOUIS MO 63132

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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APR 26 2004

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

Marie E Wheatley
Signature

Marie Wheatley
Print Name

4553 Adkins B
Print Address

St. Louis, Mo. 63116
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 27 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: In-Stream Sand and Gravel Mining Regulations

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

Betty M. Gibson

Signature

Betty M. Gibson

Print Name

#1 Springer Dr.

Print Address

Columbia Mo 65201

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED

APR 29 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: In-Stream Sand and Gravel Mining Regulations

Dear Sir:

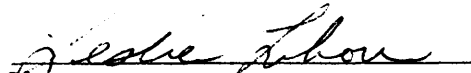
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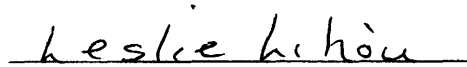
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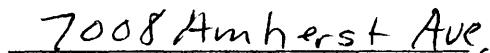
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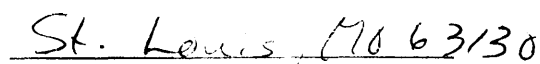
I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,


Signature


Print Name


Print Address


Print City, State, Zip

Gregory L. Hiebert
11928 Craig View Dr.
St. Louis MO 63146
314-567-0641
yhiebert@juno.com

RECEIVED

APR 29 2004

MISSOURI LAND
RECLAMATION COMMISSION

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

April 26, 2004

Dear Mr. Coen:

We are writing to urge you to move forward with the adoption of enforceable regulations that set reasonable limitations on in-stream gravel mining in Missouri.

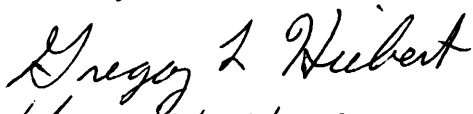
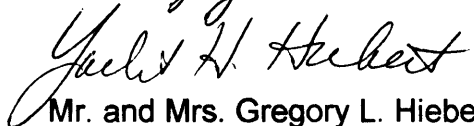
Regulations can be instituted that allow for mining to continue but protect our precious streams. Reasonable requirements for buffer areas, depth of mining, placement of hazardous materials and protection of sensitive streams will not interfere with the operations of responsible miners that have followed these practices for years, but will help prevent irresponsible parties from causing excessive damage.

Specifically, we are in favor of a buffer of 20 feet between the mining activity and the water's edge to protect the integrity of the stream channel. In addition, we support a buffer of 100 feet along the "highbank" to protect vegetation, a restriction on mining below one-foot above the water level, and a requirement that MDNR consider whether endangered species are present before issuing a mining permit.

Again, we urge you to adopt enforceable regulations for in-stream gravel mining. Without such regulations, our beautiful streams will be subject to irresponsible gravel mining that destroys fish and wildlife habitat, recreational resources, public infrastructure and private property.

Thank you for considering our comments.

Sincerely,



Mr. and Mrs. Gregory L. Hiebert

April 28, 2004

Land Reclamation Commission
Mo. Department of Natural Resources
Land Reclamation Program
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Sirs,

Once again I am writing you to convey my support of the additional rules you and the Land Reclamation Program are proposing for the regulation of in-stream sand and gravel mining.

The rules as published in the Missouri Register are not as stringent as I originally wanted. However, knowing that they are the result of hard-fought compromise generated by a multi-disciplinary workgroup leads me to support them as published.

You and the Land Reclamation Program staff have worked long and hard, and with admirable patience, to ensure equal consideration of all sides of this controversial issue. This treatment is very much appreciated and reflects well on the Department of Natural Resources.

Thank you for your support of these rules.

Sincerely,



Donna Menown
2013 Springwood Ct.
Jefferson City, MO 65101-5571
Home telephone: (573) 635-6686

RECEIVED

APR 30 2004

**MISSOURI LAND
RECLAMATION COMMISSION**



United States Department of the Interior

NATIONAL PARK SERVICE
Ozark National Scenic Riverways
404 Watercress Drive
P.O. Box 490
Van Buren, Missouri 63965

IN REPLY REFER TO:
L2423

APR 29 2004

Missouri Department of Natural Resources
Land Reclamation Commission
P.O. Box 176
Jefferson City, Missouri 65102-0176

Dear Sir:

These comments are provided in response to the Notice of filing of proposed rules by the Department of Natural Resources concerning the commercial mining of sand and gravel (Missouri Register, February 2, 2004 rules 10 CSR 40 10.020 and 10 CSR 40 10.050). The National Park Service has been charged with management of the Ozark National Scenic Riverways in south-central Missouri since 1964. Ozark National Scenic Riverways contains both the Current and Jacks Fork Rivers, which are 2 of the only 3 Outstanding National Resource Waters (ONRWs) so designated in Missouri. As such, they are afforded the highest level of resource protection by state and federal law.

We therefore applaud the prohibition of in-stream sand and gravel operations from these ONRWs as proposed in 10 CSR 40 10.050. Sand and gravel operations negatively impact the geomorphologic structure in aquatic and riparian habitats. These habitats, and retention of their high quality, are central recreational, natural, and cultural resource goals for the Ozark National Scenic Riverways.

We note, however, that discrepancies may currently exist in the sand and gravel operations permitting processes of different Missouri DNR disciplines within special streams and their drainages designated in 10 CSR 20-7.015 (6)(A), and covered by 10 CSR 20-7.031 (2)(c) water quality antidegradation rules, which includes Ozark National Scenic Riverways. There should be clarity of oversight such that sand and gravel applications which would not receive water quality certification, would not then subsequently be approved under Land Reclamation program procedures. An applicant may misinterpret this singular approval from the Land Reclamation Program as permission to proceed in inappropriate areas.

We continue to appreciate the Missouri DNR's efforts to afford the Current and Jacks Fork Rivers the highest standards of protection. Please contact Victoria Grant, Resource Management Specialist, at (573) 323-4236 with any questions.

Sincerely,

Noel R. Poe
Superintendent

cc: Gary Rosenlieb, National Park Service, Water Resources Division
Cheryl Crisler, USEPA Region 7, Water Resources Protection Branch

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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APR 30 2004

MISSOURI LAND
RECLAMATION COMMISSION

Re: In-Stream Sand and Gravel Mining Regulations

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,



Signature

GEORGE A. BEHRENS

Print Name

868 ALBERT AVE

Print Address

GLENDALE MO 63122

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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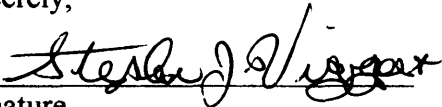
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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,



Signature

STEPHEN J. VIGGERS

Print Name

203 MONCLAY CT. #2W

Print Address

KIRKWOOD, MO. 63122

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

William B. McConaughy
Signature

William B. McConaughy
Print Name

4522 Tholozan
Print Address

St Louis MO 63116
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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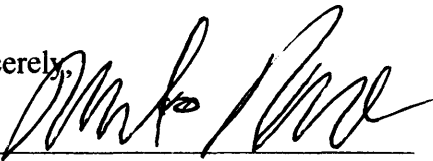
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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,



Signature

MIKE KNIGHT

Print Name

521 LYNN HAVEN LN

Print Address

HAZELWOOD, MO 63042

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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RECLAMATION COMMISSION

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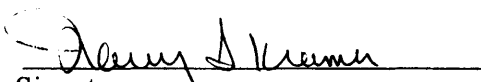
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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,


Signature

NANCY KRAMER
Print Name

1023 Brookgate Manor Dr.
Print Address

St Louis MO 63122
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,

Mayer K. Kelly
Signature

MARBIT KINOLEY
Print Name

3365 PINE CLIFF
Print Address

WILDWOOD MO 63038
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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RECLAMATION COMMISSION

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I urge you to adopt enforceable regulations for in-stream gravel mining.

Sincerely,


Signature

JAMES M. OLESKEVICH
Print Name

4026 Magnolia Pl.
Print Address

ST. LOUIS MO 63110
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

RECEIVED
APR 30 2004
MISSOURI LAND
RECLAMATION COMMISSION

Re: In-Stream Sand and Gravel Mining Regulations

Dear Sir:

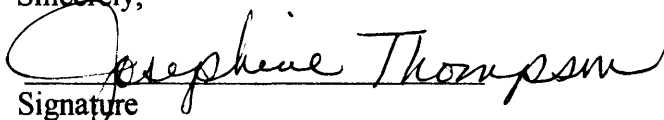
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Sincerely,


Signature

Josephine Thompson
Print Name

P.O. Box 31361
Print Address

St. Louis, MO. 63131
Print City, State, Zip

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Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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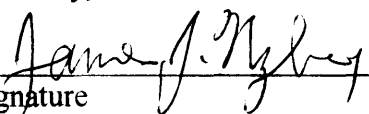
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Signature

JAMES J. NYBERG
Print Name

825 S. HANLEY RD. [MAIL PO BOX 5040]
Print Address

CLAYTON, MO 63105
Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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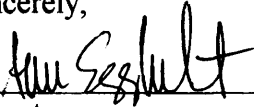
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Signature

ANN Eggebrecht

Print Name

923 S. Hanley Apt. C.

Print Address

St. Louis, Mo. 63105

Print City, State, Zip

Larry Coen
Land Reclamation Program
Missouri DNR
P.O. Box 176
Jefferson City, MO 65102

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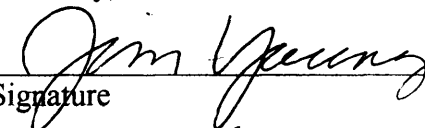
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Sincerely,


Signature

Jim Young
Print Name

905 Lami St.
Print Address

St. Louis, MO 63104
Print City, State, Zip



Texas County Commission

210 North Grand
Houston, Missouri 65483
417-967-3222

Joe B. Whetstine
Associate Commissioner
District One

Donald E. Shelhammer
Presiding Commissioner

Linda L. Garrett
Associate Commissioner
District Two

April 26, 2004

RECEIVED

MAY 3 2004

Director Larry Coen
1738 E. Elm
P.O. Box 176
Jefferson City, MO 65102

MISSOURI LAND
RECLAMATION COMMISSION

Dear Director Coen,

We want to thank you for taking time from your busy schedule to visit Texas County and to view some of our streams. We felt it was important for you to see first hand why we are so strong against changing the present guidelines into regulations. We understand that permit variations can be made for some streams but this is being accomplished with the present guidelines. We liked your suggestion of using some sites for study sites.

We still oppose changing the present guidelines into regulations. We feel we need data from adequate studies of streams in southern Missouri. We would welcome the chance to have studies completed on some of the sites we visited. We would also like to see an economic study completed on these proposed regulations.


We feel for the most part the present guidelines lines are working well. We believe these proposed regulations will put an extra hardship on sand & gravel operators, landowners, and have a negative economic effect on our county. Since, in-stream gravel mining is not done much in northern Missouri and under the proposed regulations many streams in southern Missouri would need to have variations we do not see the reasoning for these regulations.

We understand the proposed regulations are not intended to affect landowners and government entities but we feel if not now, they soon will affect them.

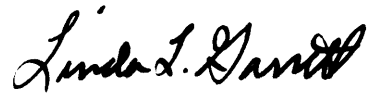
We are not opposing these regulations just because we are bored in Texas County, we truly believe these regulations will have a devastating effects on our streams and on our citizens.

Thanks again for coming to Texas County.

Sincerely,


Donald E. Shelhammer,
Presiding Commissioner


Joe B. Whetstine
Associate Commissioner


Linda L. Garrett
Associate Commissioner